This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

HH 1350.14

THE

WORKS

OF

FRANCIS BACON.

VOL. XIV.

THE

WORKS

OF

FRANCIS BACON

BARON OF VERULAM, VISCOUNT ST. ALBAN,

AND

LORD HIGH CHANCELLOR OF ENGLAND.

COLLECTED AND EDITED BY

JAMES SPEDDING, M.A.,

OF TRINITY COLLEGE, CAMBRIDGE;

ROBERT LESLIE ELLIS, M.A.

LATE FELLOW OF TRINITY COLLEGE, CAMBRIDGE;

AND

DOUGLAS DENON HEATH,

BARRISTER-AT-LAW; LATE FELLOW OF TRINITY COLLEGE, CAMBRIDGE.

VOL. XIV.

THE LETTERS AND THE LIFE, VOL. VII.

LONDON:

LONGMANS, GREEN, READER, AND DYER.

1874.

The right of translation is reserved.

~~Phil 1850.14~~

~~KPE 1693~~

Phil 1850.14

1874 Dec. 23.

Hollis Fund.

(Vol. XIV.)

PRINTED BY

TAYLOR AND CO., LITTLE QUEEN STREET,

LINCOLN'S INN FIELDS.

HARVARD
UNIVERSITY
LIBRARY
MAY 12 1971

THE LETTERS AND THE LIFE

OF

FRANCIS BACON

INCLUDING ALL HIS

OCCASIONAL WORKS

NAMELY

LETTERS SPEECHES TRACTS STATE PAPERS MEMORIALS DEVICES AND ALL AUTHENTIC WRITINGS NOT ALREADY PRINTED AMONG HIS PHILOSOPHICAL LITERARY OR PROFESSIONAL WORKS

NEWLY COLLECTED AND SET FORTH

IN CHRONOLOGICAL ORDER

WITH A

COMMENTARY BIOGRAPHICAL AND HISTORICAL

BY

JAMES SPEDDING

HONORARY FELLOW OF TRINITY COLLEGE, CAMBRIDGE.

VOL. VII.

LONDON:
LONGMANS, GREEN, READER, AND DYER.
1874.

PRINTED BY TAYLOR AND CO.,
LITTLE QUEEN STREET, LINCOLN'S INN FIELDS.

PREFACE.

THE collection of Bacon's works, according to the design explained in the "History and Plan of the Edition," is completed by this volume. Except two speeches found in a paper-book at Northumberland House, too late for insertion in their proper place and in a condition requiring special treatment, it now contains every authentic work of Bacon's that I know of; and of these two, though for reasons which will presently appear they could not be included in it, copies may be obtained by those who want them.

If the reader will look back to Vol. I. p. 119, he will find two pieces, entitled "Mr. Bacon in praise of knowledge," and "Mr. Bacon's discourse in praise of his Sovereign"; of which I have said that they probably formed part of some Court "Device," in which three speakers came forward in turn, each extolling a favourite virtue: the first delivering an oration in praise of Magnanimity, the second of Love, the third of Knowledge; and the fourth concluded with an oration in praise of the Queen, as combining in herself the perfection of all three. The Northumberland House manuscript (discovered five or six years after by Mr. John Bruce) proves that this was really the fact. It contains the remains of what was once a complete and very good copy of the entire composition; in which four friends, distinguished as A, B, C, and D, meet for intellectual amusement: A, assuming the direction, proposes that each in turn shall make a speech in praise of whatever he holds most worthy: B begins with a speech in praise of "the worthiest virtue,"—namely Fortitude: C follows with a speech

in praise of "the worthiest affection,"—namely Love: D with a speech in praise of "the worthiest power,"—namely Knowledge: and A himself concludes with a speech in praise of "the worthiest person,"—namely the Queen.

Had the manuscript been left perfect in its original condition, it would have been enough to print in the appendix to this volume the speeches of B and C. Unfortunately it has been so damaged by fire as to require a great deal of conjectural restoration; two or three words having been burned away at the end of every line in all the right-hand pages, and three or four lines at the bottom of every page, both right and left. Enough however remains to guide conjecture in most cases to the probable sense; and the Duke of Northumberland approved of a proposal to have it printed so as to represent as exactly as could be contrived both the present state of the manuscript and the insertions proposed by way of restoration. It was printed accordingly line for line; care being taken to preserve, as nearly as possible, the proportion which the part of each line that had been burned away bore to the part that remained. All words inserted by conjecture were separated from the rest by brackets, and where conjecture seemed hopeless the proportionate spaces were left blank. The condition of the manuscript was fully described in the introduction, and all matters critical and explanatory were reserved for notes at the end. It may be hoped therefore that what is left of it is safe from further accident; and though it was not practicable to fulfil these conditions and at the same time to set it out in a form corresponding with these volumes, a number of copies were printed on paper of the same size, and may be obtained by applying to Mr. Bosworth, 198, High Holborn, for "*A Conference of Pleasure, composed for some festive occasion about the year* 1592 *by Francis Bacon, edited from a manuscript belonging to the Duke of Northumberland;*" or (if he should be unable to supply them) to myself.

This seemed to be the best I could do for the present. But if the first volume of the present work were reprinted, I should wish the whole piece to be inserted in its place in a form corresponding to the rest. The conjectural insertions would of course be enclosed within brackets; and for the passages which defy restoration, blank spaces would be left with some

indication of their apparent extent. But the spelling would be modernised; the line reduced to the standard length; and the notes belonging to each page printed at the bottom. For in all parts which the fire has spared, the Northumberland House manuscript supplies a much better text for the speeches of D and A than that which I had to print them from, and the modern reader will find the modernised form more convenient and intelligible; while the case of the critical reader, who desires to exercise his own skill in the art of conjectural restoration, is sufficiently provided for by the volume already printed. He will find no difficulty in obtaining through it as much information with regard to the form and condition of the manuscript as a printed copy can give.

For the rest, I have followed the same rules in this volume as in the others; my first object being to make the collection complete, and my second to make it intelligible without difficulty. These conditions could not be fulfilled without space, and the work has turned out rather longer than I expected when I began. I had hoped that six volumes would complete it. But since it was to contain matter common to all editions of Bacon's works, which if printed consecutively without note or commentary, would fill at least three of them; since the new matter of Bacon's own composition which it contains —reckoning as new not only what has never been printed before, but what has never before been included in his works— would more than fill another; since it was to contain also within itself as much information about all these as would enable a modern reader to understand them without referring to other books; and since it does contain, in effect if not in form, a full and minute biography of the man,—for which alone Mr. Montagu found a volume of like size less than enough—I do not know that its proportions can be considered extravagant.

The amount of new matter of Bacon's own composition is less in this volume than in most of the others,—not above thirty or forty pages in all,—but much of the old matter is made in a manner new by being rightly placed and better deciphered; Elsing's notes of the debates in the House of Lords have enabled me to throw some fresh light upon the personal history of Bacon's impeachment; and the exposition of their method of proceeding as a court of justice in criminal cases,

which has not been attempted before, will be found to have an important bearing upon the disputable points in his case, some of which are very material.

J. S.

80, *Westbourne Terrace,*
15*th July*, 1874.

CONTENTS

OF THE SEVENTH VOLUME.

BOOK VII.

CHAPTER I.

A.D. 1619. ÆTAT. 59.

Page

1. Proceedings against the Earl of Suffolk, Lord Treasurer, for exaction 1
2. Quarrel between the Lakes and Exeters 3
   Fire at Whitehall 4
3. To the Lady Clifford (25 January 1618) 5
   Buckingham's interference in Chancery-suits. Case of Dr. Steward 5
4. Judgment in the Lake and Exeter cause. Suffolk's answer in the Star Chamber 7
   To the Marquis of Buckingham (23 February) . . 8
5. Death of the Queen. Dangerous illness of the King . . 9
   Bacon's "great sickness" 10
6. Letters from Buckingham 11
   Application of Suffolk for delay.
   To the Marquis of Buckingham (6 May, 1619) . . 12
   Grant to Bacon of a pension of 1200*l.* 13
   Business of the week.
   To the R. Ho. my very good Lo. the Lo. Marquis of Buckingham, Lo. High Admiral of England, and of his M. most ho. Privy Council (9 May, 1619) . 14
   Appointment to attend the King 15

CHAPTER II.

A.D. 1619. ÆTAT. 59.

1. Progress of the negotiation with Spain for the marriage of the Prince with the Infanta 16
   Revolution in Bohemia. Gondomar's report on the position of

Page

England. Warlike preparations in Spain. Death of the Emperor Matthias. Projects of the Elector Palatine . . 18

To the Count Palatine of the Rhine (13 May, 1619) . 21

A short view to be taken of Great Britain and Spain 22

2. The King undertakes to act as mediator in the quarrel . . 28

3. Patent for transportation of butter out of Wales. Charge of witchcraft.

To my very loving friends, Sir Thomas Leigh and Sir Thomas Puckering, Knights and Baronets (15 May, 1619) 30

Serenissimo ac potentissimo Regi ac Domino, Domino Christiano quarto, Dei gratia Daniæ, Norvegiæ, etc. Regi, Domino suo clementissimo (16 June, 1619) . 32

Improvement in the finances. Sir Thomas and Lady Lake.

To the Marquis of Buckingham (29 June, 1619) . . . 34

Galileo's answer to Bacon's discourse on the tides . . . 35

Preparations for the Progress.

To the Marquis of Buckingham (19 July, 1619) . . 37

Departure of the Dutch Commissioners.

Letter to the States General (20 July, 1619) . . . 38

Bishop of Bangor's book.

To the Marquis of Buckingham (31 July, 1619) . . 39

Proceedings against the Dutch merchants.

Lord Chancellor Verulam to my Lord Warden of the Cinque Ports (3 August, 1619) 40

Return of the King from his progress.

To the Marquis of Buckingham (28 August, 1619) . . 40

4. Offer to the Count Palatine of the Crown of Bohemia. The King's declaration to the Council. Consultations with Bacon. Missing papers 41

5. Proceedings in Star Chamber against some of the Dutch merchants for tampering with witnesses.

To the Marquis of Buckingham (9 October, 1619) . . 47

Sentence of the Court 49

6. Case of the Earl of Suffolk.

To the Marquis of Buckingham (14 October, 1619) . . 50

To the same (21 October, 1619) 50

To the same (22 October, 1619) 51

To the same (27 October) 53

Report of the sentence.

To the same (13 November) 55

Page

Account of the trial by one who heard it. BACON'S SPEECH IN CONCLUSION 56

CHAPTER III.

A.D. 1619–20. NOVEMBER–JUNE. ÆTAT. 59.

1. Proceedings against the Dutch merchants for exportation of gold.

TO THE MARQUIS OF BUCKINGHAM (19 November, 1619) . 60

TO THE SAME (20 November, 1619) 61

Improvement of Revenue. Duty on currants and tobacco.

TO THE SAME (22 November) 62

Progress of the case against the Dutch merchants.

TO THE SAME (26 November) 63

THE FORM OF SIR THOMAS LAKE'S SUBMISSION, AS IT WAS CONCEIVED BY THE RIGHT HON. THE LORD CHANCELLOR, THE LORD CHIEF JUSTICE, AND MR. ATTORNEY-GENERAL.

TO THE SAME (28 November) 64

TO THE SAME (1 December) 66

Private meeting among the Councillors before passing sentence on the Dutch merchants.

TO THE SAME (7 December) 67

Revenue matters. How to dispose of the fines imposed on the Dutch.

TO THE SAME (12 December) 68

2. Advantages of distributing the business of Government to standing commissions charged severally with the care of several departments.

TO THE KING 70

Commission for vagabonds and beggars, etc.

TO THE MARQUIS OF BUCKINGHAM (20 January, 1619–20) . 73

Death of Justice Crooke.

TO ETC. THE MARQUIS OF BUCKINGHAM, LORD ADMIRAL OF ENGLAND (24 January, 1619–20) 75

Disposal of pretermitted duties. Examinations of Peacock. Bishop of Bangor's book, etc.

TO MR. SECRETARY CALVERT (5 February, 1619–20) . . 76

TO THE MARQUIS OF BUCKINGHAM, LORD ADMIRAL OF ENGLAND (10 February, 1619–20) 77

Peacock's case: use of torture in examinations.

TO THE KING 77

Confirmation of a decree of a charity commission.

Page

To my very loving friends the Parishioners and Feoffees for the poor of the Parish of St. Alldats in Oxford (13 February, 1619–20) 80

Pretermitted duties. Commission for relief of the poor, etc.

To the Marquis of Buckingham (17 February, 1619–20) 80

Serenissimo ac potentissimo Regi ac Domino, Domino Christiano quarto, dei gratia Daniæ, Norvegiæ, Vandalorum, Gothorumque etc. Regi, Domino suo clementissimo (28 March, 1620) 82

3. Progress of financial reform. Reduction of debt . . . 83

Means of rectifying the King's estate. Reasons for appointing a Lord Treasurer.

To the King 85

4. Character of the Star Chamber, as described by Coke and Bacon. Its rules of proceeding. Causes which led to its abolition in the next reign 90

To the Marquis of Buckingham (9 June, 1620) . . 95

Constitution of the ideal Censorian Court, recommended by Bacon in his treatise of Universal Justice 96

Suspension of the Attorney-General, Sir H. Yelverton, from his office, for inserting unwarrantable clauses in a charter . . 98

To the King (from the Council, 16 June, 1620) . . . 98

Office of remembrancer in Chancery for setting down causes.

To the Marquis of Buckingham (21 June, 1620) . . 100

5. Relations between Bacon and Sir James Whitelocke . . . 100

Notes of my Lord Chancellor's Speech in Chancery to Mr. Whitlock, 29th June, 1620, when he was to receive his oath as a Sergeant at Chancery Bar, and to be put to be Chief Justice of Chester 102

CHAPTER IV.

A.D. 1620–21. July–January. ÆTAT. 60.

1. The King's conclusion on the Bohemian question. Preparations in Germany to attack the Palatinate. Frederick's agents authorised to levy volunteers in England and Scotland . . 105

Gondomar sent back to England. Result of his conferences with the King. Attempt to bring about a general pacification . 106

Interference of France. Treaty between the Protestant Union and the Catholic League. Increased danger of the Palatinate. The King's position 108

Page

The tobacco business. Coals. Political pamphleteers. State of the Treasury.

To his very good L. the Marquis of Buckingham, L. High Admiral of England (23 July, 1620) . . 110

Account to be given to the King on his return from the progress.

To the Marquis of Buckingham, Lo. High Admiral of England (30 August, 1620) 111

2. Movement of the Spanish forces under Spinola against the Palatinate. The King's resolution to defend it, and to call a Parliament. Bacon's satisfaction 112

To the Marquis of Buckingham (2 October, 1620) . . 113

To the King's most Excellent Majesty (2 October, 1620) 114

Consultations preparatory to the calling of a new Parliament.

To the Marquis of Buckingham (7 October, 1620) . . 115

Attempt to raise funds by a voluntary subscription. Bacon on the relation between Prerogative and the Common Law. Publication of the *Novum Organum*.

To the King's Most Excellent Majesty (12 October, 1620) 119

Businesses recommended from the Prince;—the Duchy and the Prerogative Court for Wills.

To the Marquis of Buckingham (16 October, 1620) . 121

Letter from the King in acknowledgment of the *Novum Organum* 122

3. Preparations for Parliament.

To the Marquis of Buckingham (18 October, 1620) . 123

Draught of a Proclamation for a Parliament . . 124

The King's objection to the form of it.

To the Marquis of Buckingham (19 October, 1620) . 129

4. Answer to the King's acknowledgment of the *Novum Organum*. Hopes of his assistance in obtaining a collection of Natural and Experimental History.

To the King (20 October, 1620) 130

Presentation copies sent abroad.

To Sir Henry Wotton (20 October, 1620) . . . 131

5. Letters sent out by the Council to explain the case of the Palatinate and quicken the subscriptions.

Circular from the Council to the Nobility (25 October, 1620) 132

6. Sir H. Yelverton called to answer in the Star Chamber . . 133

Notes upon Mr. Attorney's Cause 133

Page

His offer of submission. Further proceeding postponed.

To the Marquis of Buckingham (28 Oct. 1620) . . 135

Copy of the *Novum Organum* sent to the University of Cambridge.

Almæ Matri Academiæ Cantabrigiensi (31 Oct. 1620) . 135

7. Proceeding in the Star Chamber against Yelverton. Opening Speech by Bacon 136

Names and offices of the persons constituting the Court. Coke's sentence. Bacon's concluding speech 137

Speech in Star Chamber, 10 November, 1620 . . . 138

Lord Chancellor Bacon to the Marquis of Buckingham (11 Nov. 1620) 140

8. Proclamation issued for Parliament to meet on 16th of January. Patent for engrossing Wills. . . . .

To the King (from Bacon, Naunton, and Montagu, 15 Nov. 1620.)

Serenissimo ac potentissimo Regi ac Domino, Domino Christiano Quarto, Dei gratia Daniæ, Norvegiæ, Vandalorum, Gothorumque, Regi, etc., Domino suo clementissimo (19 Nov. 1620) 142

The Prince's writ of summons to Parliament. Precedents of Kings' eldest sons called.

To the Marquis of Buckingham (from Bacon, Coke, Montagu, Hobarte, and Crew, 21 Nov. 1620) 142

Question as to mode of dealing with patents likely to be complained of in the Lower House.

To the R. Honourable our very good L. the Marq. of Buckingham, L. High Admiral of England (from the same: 29 Nov. 1620) 145

Private advice to Buckingham on the subject. Chief Justice Montagu made Lord Treasurer. Instructions to be given him. Choice of Speaker.

To the Marquis of Buckingham (29 Nov. 1620) . . 148

Patent for engrossing wills, opposed by the proctors of the Prerogative Court. Legal question.

To the King (from Bacon, Montagu, and Naunton, 12 December, 1620) 150

Consultation in Council concerning patents likely to be complained of. Prognostics of Parliament not good.

To the Marquis of Buckingham (16 Dec. 1620) . . 151

Proclamation against licentious speaking and writing on state matters, recommended by Bacon 152

Page

Capture of Prague by the Bavarians. Change in the position of Frederic, and opening of a new prospect of settlement. Negotiations set on foot 153
The King's decision on the Patent for engrossing wills . . 154
Draught of Proclamation approved 154
Analysis of Parliament business, sent to the King by Bacon. "Huffing elections."
To the Marquis of Buckingham (23 Dec. 1620) . . 155
A Proclamation against excess of lavish speech of matters of State 156
9. Bacon's suit for the making of a Baron. Buckingham's objections 157
Sir T. Coventry made Attorney-General, and Robert Heath Solicitor 159
Case of Lady Martin, a suitor recommended for despatch . . 159

CHAPTER V.

A.D. 1620-1. January-March. ætat. 60.

1. Scarcity of money: abundance of other commodities . . . 160
Estimate of the cost of a war for the recovery of the Palatinate . 161
Amount of Parliamentary taxation required 165
2. Prosperity of Bacon's personal fortunes. To be created Viscount St. Alban.
Serenissimo ac potentissimo Regi ac Domino, Domino Christiano quarto, Dei gratia Daniæ, Norvegiæ, Vandalorum, Gothorumque etc. Regi, Domino suo clementissimo (Janu. 13, 1620) 166
3. Consultation as to the King's speech on opening the new Parliament 167
Bacon created Viscount St. Alban.
To the King 168
The King's speech to the two Houses 169
Beginning of a speech intended to be spoken after the King's speech to the two houses . . . 171
Speech Reported as spoken on that occasion . . . 172
His Lordship's Speech in the Parliament, being Lord Chancellor, to the Speaker's excuse 173
Speech to the Speaker's oration . : . . . 174
4. Grant of two subsidies; without reference to the Palatinate . 179
Estimated cost of an army to recover the Palatinate communicated to the House 180

Page

5. Select committee appointed to report upon recompilement of the laws 181
Petition for better execution of the laws against Recusants. Bacon chosen spokesman for both Houses 182
6. Attack upon monopolies. Bacon's policy overruled at the Council-board. Position taken by the Government. Patent for Gold and Silver Thread; for Inns; for forfeiture of the recognisances for Alehouses. Sentence passed by the Commons on Sir Francis Michell 183
Sir G. Monperson's petition. Coke's rules for the proceeding of the Lower House as a Court of Justice. Search for precedents 186
7. Threat of proceeding judicially against the Referees, who had certified the patents to be good in law. 187
Precedents showing that the Lower House alone has no power to punish for offences against the State, a conference with the Upper House desired: of which Bacon receives warning from the King 189
To THE KING (1 March, 1620–1) 190
Escape of Sir G. Monperson. Preparations in the Commons for the Conference 191
To THE MARQUIS OF BUCKINGHAM (March 7, 1620) . . 191
8. The Conference passes without any mention of the Referees till Coke's turn comes. His peculiar position. Debate upon the management of the Conference, and a second held to supply the omissions 192
9. Bacon and Montagu (the two principal Referees) censured for offering to answer the charges made against them . . . 197
Bacon's position. His warning to the King, as related by Bushel 199
His unconsciousness of his danger.
To MR. MATTHEW 201
10. A third conference between the Houses, for the production of the proofs. Debate on the method of proceeding. BACON'S MOTION 202
The charge against the Referees not pursued to any conclusion: leaving it doubtful whether Bacon's part did not admit of a sufficient justification. Probable explanation of his concurrence in the imprisonment of certain citizens for refusing to sign a bond 204

CHAPTER VI.

A.D. 1620–1. MARCH–MAY. ÆTAT. 60.

1. Complaints of abuses in the Courts of Justice and Chancery.

Page

Confessions of Churchill, the registrar. Bacon still without alarm on his own account 209

To Mr. Matthew 210

His strange want of apprehension 211

2. Charged by a disappointed suitor with taking money for the dispatch of his suit 212

To the Marquis of Buckingham (14 March, 1620) . . 213

3. A second complaint of the same kind. The Commons desire a conference with the Lords 215

4. Bacon, being too ill to attend in his place, writes to the Lords to excuse his absence.

To the Right Honourable his very good Lords the Lords spiritual and temporal in the Upper House of Parliament assembled (19 March, 1620) 215

State of the law with regard to corruption. Conditions requisite for criticising the evidence 217

Bacon's answer to their message praying him to provide for his defence 221

5. The Lord Treasurer's report of the Conference. Charge of bribery and corruption brought against Bacon and Dr. Feild . . 221

Commission proposed by the King 223

Examinations commenced at once by the Lords. Order of proceeding. More cases sent up from the Commons. Adjournment for Easter. Examinations to be continued during the recess 224

To the Marquis of Buckingham (March 25, 1621) . . 225

To the King (March 25, 1621) 225

The King's speech to the Lords 227

6. Bacon's state of mind.

The last will and testament of Sir Francis Bacon, Visct. of St. Alban's, Lord Chancellor of England (10 April 1621) 228

A Prayer or Psalm 229

7. Reviews records of analogous cases 231

Notes upon Michael de la Pole's case 232

Observations upon Thorpe's case 232

Notes upon Sir John Lee's case, steward of the King's house 233

Notes upon Lord Latimer's case 233

John Lo. Neville's case 234

Difference between his own case and that of Sir W. Thorpe . . 234

His private interview with the King during the recess.

[Note prepared for an interview with the King] . . 235

Page

MEMORANDA OF WHAT THE LORD CHANCELLOR INTENDED TO DELIVER TO THE KING, APRIL 16, 1621, UPON HIS FIRST ACCESS TO HIS MAJESTY AFTER HIS TROUBLES . . . 237

The Lord Treasurer's report to the Lords of what passed at their interview 238

8. The King declines to interfere. The Lords proceed with the examinations 239

Bacon resolves to resign the Seal, hoping with the King's help to be allowed to pass with a general confession and submission.

TO THE KING (20 April, 1621) 240

TO THE KING'S MOST EXCELLENT MAJESTY (21 April, 1621) . 240

TO THE RIGHT HONOURABLE THE LORDS OF THE PARLIAMENT IN THE UPPER HOUSE ASSEMBLED (22 April, 1621) . . 242

9. Method of judicial inquiry pursued by the Lords. Its defect. Result in the case of Dr. Feild 245

A general submission not accepted. A particular confession required to the particular charges 248

10. BACON'S ANSWER, IN WRITING, TO THE QUESTION WHETHER HE MEANT TO CONFESS OR DEFEND HIMSELF . . . 250

11. Reasons for not accepting as proved against him more than is contained in his confession 251

TO THE RIGHT HONOURABLE THE LORDS SPIRITUAL AND TEMPORAL IN THE HIGH COURT OF PARLIAMENT ASSEMBLED. THE CONFESSION AND HUMBLE SUBMISSION OF ME THE LORD CHANCELLOR 252

The confession accepted by the Lords as "ingenuous and full." The seal sequestered 262

Consideration of the sentence to be awarded. Cases requiring distinction 263

Elsing's notes of the debate on the question of guilt and the question of punishment 267

Declaration of the sentence 270

13. Character of the House of Lords as Judge and Jury. Case of Edward Lloyde 271

CHAPTER VII.

A.D. 1621–2. MAY–MARCH. ÆTAT. 61.

1. Impatience of the Lords for Bacon's imprisonment. Jealousy of Buckingham 279

Page

Letter from the Tower
To the Marquis of Buckingham (31 May, 1621) . . 280
Letters of thanks for discharge
To the Marquis of Buckingham (4 June, 1621) . . 281
To the King (4th June, 1621) 281
Letter of congratulation on the offer by the Lower House of the lives and fortunes of their constituents for the recovery of the Palatinate.
To the Marquis of Buckingham (5 June, 1621) . . 282
2. Bacon at Fulham. Review of his position. His only vocation now, to prophesy and prepare the way for the Kingdom of Man. 283
His answer to Gondomar's offer of service.
To the Count Gondomar, Ambassador from the Court of Spain (6 June, 1621) 285
Toby Matthew's opinion of Bacon's personal character and disposition.
To Mr. Matthew 286
His obligations to the Prince.
To the Prince of Wales (7 June, 1621) 287
3. His advice as to the reformation of justice and relieving the grievances of the people called for by the King.
To the King 289
Fails to obtain an extension of his leave to remain within the verge of the Court. Retires to Gorhambury.
To the Marquis of Buckingham (20 June, 1621) . . 291
To the same (22 June, 1621) 292
To the same 293
4. His want of means to subsist. His claims upon the King, and encouragements to look for help from him. His probable reasons for choosing the History of Henry VII. for his first task 294
To the Marquis of Buckingham 296
To the King (16 July, 1621) 296
To the Marquis of Buckingham 297
To the King (5 September, 1621) 298
To the Prince 299
Note of messages to several persons 299
5. Partial remission of the sentence of exclusion from the verge.
A licence under His Majesty's signature for your Lordship's stay at London for six weeks . . . 300
A warrant under His Majesty's signature for my Lord St. Alban's stay at Sir John Vaughan's . . . 300

Page

The fine due by the Parliamentary sentence to the Crown assigned to trustees for Bacon's own benefit, and a general pardon (with exception of the Parliamentary sentence) ordered to be drawn..

A WARRANT TO MR. ATTORNEY FOR AN ASSIGNMENT OF YOUR LORDSHIP'S FINE 301

6. The fair Manuscript of the History of Henry VII. completed and submitted to the King.

TO THE KING (8 October, 1621) 303

7. Gives offence to Buckingham by refusing to sell York House . 304

Warrant for assignment of fine passes the Seal. Warrant for general pardon delayed for an alteration.

A WARRANT TO MR. ATTORNEY FOR THE DRAWING UP OF A PARDON FOR THE L. VISCT. ST. ALBAN (12 October, 1621) 306

PREAMBLE OF THIS PARDON 307

Pardon stayed at the Seal by L. Keeper Williams.

TO THE LORD KEEPER (18 October, 1621) 308

TO THE MARQUIS OF BUCKINGHAM, HIGH ADMIRAL OF ENGLAND (18 October, 1621) 309

The Lord Keeper's reasons for not passing the pardon . . 310

Buckingham does not press it. Bacon, having asked for an interview with him, sets down a note of what he means to say.

MEMORIAL 312

Buckingham failing to come, Bacon draws up a letter of expostulation. First draft.

TO THE MARQUIS OF BUCKINGHAM 314

Second draft.

TO THE SAME 315

Third draft.

TO THE SAME 316

The Pardon sealed, possibly through Gondomar's influence with the King.

ILLUSTRISSIMO ETC. DO. DO. DIDACO SARMIENTO DE ACUNA, COMITI DE GONDOMAR, LEGATO REGIS HISPANIARUM EXTRAORDINARIO IN ANGLIA 318

Buckingham offers to explain himself if a friend be sent to speak with him 319

TO THE MARQUIS OF BUCKINGHAM 320

8. Bacon resolves to petition to the Lords, to recommend his suit for liberty of the verge, but is prevented by the prorogation.

PETITION TO THE HOUSE OF LORDS 321

Page

Applies to Digby to use his influence to the same end.
To John Lord Digby (31 December, 1621) . . . 322
9. Negotiation to appease Buckingham. Reports from Meautys . 323
Proposal from the Duke of Lenox to purchase York House. Declined by Bacon.
To the Duke of Lenox (30 January, 1621) . . . 327
To the Marquis of Buckingham (30th January, 1621) . 328
To the Same 329
Buckingham partially appeased. Directions given to pay up arrears of pension 330
10. Selden's opinion as to the validity of the judgments passed in the lately dissolved Parliament 330
11. The condition on which Buckingham was appeased at last, and Bacon released from his restraint. Letters containing the history of the negotiation 334
A Letter to Mr. Matthew (15 February, 1621) . . 335
To the Same 335
The same letter as printed in Matthew's own collection . . 337
Notes for some one who was to deal with Buckingham on Bacon's behalf 338
Report from Meautys 339
Drafts of a letter in acknowledgment of some friendly communication from Buckingham.
To the Marquis of Buckingham 340
To the Same 340
A Letter to my Lord of Buckingham (5th March, 1621) 341
Another report from Meautys 342
Report and advice from Sir Edward Sackville 342
To Henry Cary, Lord Viscount Falkland . . . 344
A Letter to Mr. Matthew 344
To Mr. Toby Matthew 345
To the Lord Digby, at his going into Spain (March, 1622) 345
To the Lord Treasurer 346
To the Same 346

CHAPTER VIII.

A.D. 1622 (March). 1623 (October). Ætat. 61–63.

1. Preparation for an expected interview with the King, March, 1621–2 348
Memorial of Access 349
2. Publication of the History of Henry VII. 352

Page

"Demur" on the part of the Bishop of London . . 353
Progress of the *De Augmentis Scientiarum* 353
Project of recompilement of the Laws 354
To Mr. Tobie Matthew 354
Report from Meautys concerning the warrant for liberty to come within the verge 354
To Thomas Meautys, Esq. 355
To the Right Honourable his very good Lord the Lord Marquis of Buckingham, High Admiral of England (20 March, 1621) 356
To the King's most excellent Majesty (20 March, 1621*) 357
An offer to the King of a Digest to be made of the Laws of England 358
To Mr. Tobie Matthew (27 March, 1622) . . . 364
To the Queen of Bohemia (20 April, 1622) . . . 364
The Queen's answer 366
To the Lord Keeper, Dr. Williams, Bishop of Lincoln 366
3. Design of the *Dialogue of a Holy War* 367
Occasion that suggested it 369
Plan of the argument 370
Epistle Dedicatory, containing an account of his other writings.
To the Right Reverend Father in God, Lancelot Andrewes, Lord Bishop of Winchester, and Counsellor of estate to his Majesty 371
4. Letter to an Italian philosopher in answer to questions concerning the *Instauratio* 374
To Father Redempt. Baranzan (30 June, 1622) . . 375
5. Design for erecting titulary Roman Catholic bishops in England.
To the Marquis of Buckingham, 4 Aug. 1622 . . 378
6. Collection of *Natural and Experimental History*. Resolution to devote the next half year to it, and produce some portion completed every month 380
Reasons for regretting this resolution 381
7. Increasing pecuniary difficulties: arrears of pension: sequestration of farm of Petty Writs. Appeal to the King in a petitionary letter 381
To the King 382

* Misprinted 1620 in text.

Page

8. On second thoughts resolves to withhold the letter and turn it into a formal petition for a definite favour . . . 386

To the King's most excellent Majesty. The humble petition of the Lord Verulam Viscount St. Alban 387

9. Appeal to Buckingham's mother. Notes for a conference with her.

La. B. 391

Effect of her influence.

To the Countess of Buckingham (29 Oct. 1622) . . 392

10. Has a personal interview with Buckingham himself; who obtains for him the King's signature to a warrant, and promise of access.

Copy of the King's warrant touching the Lord St. Alban's debts. 393

Publication of the first monthly instalment of the Natural and Experimental History,—*Historia Ventorum*.

To the Marquis of Buckingham (24 November, 1622) . 395

11. Interview with Cranfield concerning the sequestered patent for Petty Writs.

Remembrance upon going to the Lord Treasurer . 396

Warning from Meautys to be cautious in dealing with him . 397

To the Marquis of Buckingham 397

To the same 398

12. Publication of the second instalment of the Natural and Experimental History—*Historia Vitæ et Mortis* . . . 398

Improvement in his prospects clouded by the departure of Buckingham and the Prince on their visit to Spain . . 399

Circumstances which induced the visit 400

To Sir Edward Conway (21 January, 1623) . . . 402

Offer of Gorhambury to Buckingham.

To the Marquis of Buckingham (5 Feb. 1622) . . 402

Lord Macaulay's explanation of Bacon's poverty after his fall. Retirement to Gray's Inn 403

To the Marquis of Buckingham (21 February, 1622) . 404

To the Same 405

To Sir Francis Cottington 405

13. Death of the Provost of Eton. Suit to succeed him . . 406

To Mr. Secretary Conway (25 March, 1623) . . 407

To the King (25 March, 1623) 408

To Mr. Secretary Conway (29 March, 1623) . . 409

To Count Gondomar, then in Spain 411

To the Marquis of Buckingham 412

Page

14. Proposition of a Law for the regulation of usury . . . 413
To the Right Hon. his very good friend Sir Ed. Conway, principal secretary to His Majesty (2 April, 1623) 414
Usury and the use thereof 415
A draught of an Act against an usurious shift of gain in delivering commodities instead of money 419
15. Toby Matthew joins the party at Madrid. Suit for the Provostship not prosperous 420
To the Right Hon. his very good friend Sir Edward Conway, principal secretary to his Majesty (7 April, 1623) 421
To Sir Dudley Carleton (15 April, 1623). . . . 421
To Count Gondomar. 421
To the Marquis of Buckingham (18 April, 1623) . 423
L. St. Alban to the Earl of Bristow into Spain . 424
L. St. Alban to Sir Francis Cottington into Spain . 425
To Mr. Tobie Matthew (2 May, 1623). 425
To the Duke of Buckingham 426
The Duke's answer (29 May, 1623). 426
To the Duke of Buckingham into Spain . . . 427
To Mr. Tobie Matthew (17 June, 1623). . . . 428
To the same. 428
To the same 429
16. Expected conclusion of the marriage treaty. The Infanta to be proclaimed Princess of Great Britain, and the contract solemnized on St. James's Day 430
To the Duke of Buckingham (22 July, 1623). . . 430
To Mr. Tobie Matthew 431
To the Duke of Buckingham (29 August, 1623). . . 431
To the Duke of Buckingham, Lord High Admiral of England (12 October, 1623) 432
Buckingham's promises of help 433
To Sir Edward Conway (18 October, 1623). . . . 433

CHAPTER IX.

A.D. 1623. October–March. ÆTAT. 63.

1. Abandonment of attempt to bring out the Natural and Experimental History in monthly instalments. Translation of the English works into Latin. Publication of the *De Augmentis Scientiarum* 434
Letters accompanying presentation copies.
To the King 436

Page

To the Prince 436

To the R. Honble. his very good L. the Duke of Buckingham, his gr. L. High Admiral of England (22 October, 1623) 437

Acknowledgment from Buckingham 438

Franciscus Baro de Verulamio, Vicecomes Sancti Albani Almæ matri inclytæ Academiæ Cantabrigiensi Salutem.

Inclytæ Academiæ Oxoniensi 439

Franciscus Baro de Verulamio, Vicecomes Sancti Albani, percelebri Collegio Sanctæ et Individuæ Trinitatis in Cantabrigia Salutem 439

2. Rumour that the marriage treaty had been broken off by Buckingham's influence. His popularity upon his return. Bacon's desire to be allowed to advise him 440

Minute for an advice to the Duke of Buckingham . 441

To the R. Honble. his very good Lord the Duke of Buckingham, Lord High Admiral of England (25 November, 1623) 442

Notes for conferences with Buckingham (17 December and 2 January, 1623) 442

To the Duke of Buckingham 447

3. The Provostship of Eton given to Sir H. Wotton. Suit for an old arrear due to the Crown from Sir Nicholas Bacon.

To the Duke of Buckingham (23 January, 1623) . . 451

4. Desire to be readmitted into the House of Lords.

To the Right Honourable his very good Lord the Earl of Southampton (31 Jan. 1623) 454

To the Earl of Oxford (2 Feb. 1623). 454

5. Bacon's last political work. Change of the political situation consequent upon the breaking off of the treaty with Spain. Advice of the Council. The policy of the King in harmony with that of the people, and the Commons invited to hear the state of the case and advise upon it. Bacon draws up a speech suitable for the occasion for some member of the Lower House 455

Notes of a Speech concerning a War with Spain . . 460

Vote of 3 subsidies and 3 fifteenths, payable within a year after the treaties should be declared at an end. Declaration made accordingly. Popular rejoicings 465

6. The subsequent debates showing that the nature and objects of the war on which they proposed to enter were not generally un-

Page

derstood, Bacon enlarges his notes for a speech into a complete treatise on the question 466

CONSIDERATIONS TOUCHING A WAR WITH SPAIN. TO THE PRINCE 469

7. Causes of the failure of the war-policy. Indifference of the Commons to the fate of the Palatinate and the issues of the war with Spain. Internal struggle of the Commons against the Crown impending 505

CHAPTER X.

A.D. MARCH, 1624–APRIL, 1626. ÆTAT. 64–66.

1. Gradual extinction of Bacon's hopes of being enabled "to live out of want." His chief anxiety now to "die out of ignominy" 512

Letters concerning certain Patents which were coming before the Lower House.

TO SIR FRANCIS BARNHAM (14 March, 1623) . . . 513

TO THE CHANCELLOR OF THE DUCHY, SIR HUMPHREY MAY . 514

Letters concerning his petitions to the King.

TO SECRETARY CONWAY (3 June, 1624) 515

TO THE DUKE OF BUCKINGHAM 516

TO THE SAME 516

AN HUMBLE PETITION OF THE LORD ST. ALBAN'S TO HIS MAJESTY 517

TO SIR RICHARD WESTON, CHANCELLOR OF THE EXCHEQUER (7 July, 1624) 517

TO THE DUKE OF BUCKINGHAM 518

Petition for a pardon of the whole sentence.

TO THE KING 518

Form of warrant drawn for the King's signature.

KING JAMES HIS LETTER TO HIS TRUSTY AND WELL-BELOVED THOMAS COVENTRY, OUR ATTORNEY-GENERAL . . . 519

Recovery from a sickness of some weeks.

TO MY VERY LOVING FRIENDS THE MAYOR, ETC. OF CAMBRIDGE (8 September, 1624). 520

Grant of three years' pension in advance.

TO THE DUKE OF BUCKINGHAM (9 Oct. 1624) . . . 521

TO THE SAME (17 November, 1624) 522

2. No letters preserved, written during the next 6 months. Publication of the *Apophthegms* and the *Translation of certain Psalms*. 523

Page

Distress for want of money to pay debts and bills. Injudicious reticence of Rawley and Tenison 524

3. Failure of Mansfeldt's attempt to reconquer the Palatinate. Death of James I. Accession and marriage of Charles I. Discouraging result of his appeal to a new Parliament for support to the war. Disappointment of Bacon's hopes from the new reign. 522

To the Chancellor of the Duchy, Sir Humphrey May . 527

To the Marquis d'Effiat, the French Ambassador (18 June, 1625). 527

To the Lord Treasurer Lea (20 June, 1625) . . . 528

To Sir Robert Pye 528

Letter on behalf of a suitor in the Earl Marshal's Court.

To the Earl of Dorset 529

4. Progress of the Great Instauration.

Epistola ad Fulgentium 531

5. Recovery from another severe illness. Correspondence with Sir T. Coventry about the translation of his honours, the remission of his rent due to the Crown, and his brother's old debt. . 533

To Mr. Roger Palmer (29 Oct. 1625). 534

Considerations touching a war with Spain.

To the Queen of Bohemia 535

6. Publication of the enlarged edition of the *Essays*.

A letter of the Lord Bacon's in French to the Marquis Fiat, relating to his Essays 536

Date of composition of posthumous works. *New Atlantis*: Translations into Latin: *Sylva Sylvarum* 537

7. Failure of enterprise against Spain. Birth of a son and heir to Buckingham.

To the Duke of Buckingham 538

8. Bacon's relations with his wife.

The last will of Francis Bacon, Viscount St. Alban . 539

Project of foundation of lectures in Natural Philosophy in the two Universities. Preservation of Orations and Epistles.

To the Lord Bishop of Lincoln 546

The Bishop's answer 547

9. Bacon's continued anxiety for a pardon of the whole sentence, and leave to sit again in the House of Lords.

To Sir Humphrey May, Chancellor of the Duchy of Lancaster 548

To Secretary Conway (26 Janu. 1625) 549

His experiment with snow, and sudden attack of cold.

Page

To the Earl of Arundel and Surrey 550
His last illness and death 551
Delay in the execution of his will, and disposal of his effects. Amount of debts and assets. Fate of his books and manuscripts 552
His name and memory 553
The difference in the character of his offences, as understood by Lord Macaulay, and as acknowledged by himself . . 555
Reasons for thinking that Lord Macaulay must have been mistaken in supposing that he was in the habit of selling decrees, and for believing that his offences were not more or greater than he himself allowed.
His own judgment on his own case 559
Payment of services by fees at the discretion of the payer, a practice natural and (where not expressly forbidden) universal 560
11. Bacon's mode of doing business as a Judge in Chancery, to be looked for in the "Registrar's Book of Decrees and Orders" 562
His unjustifiable carelessness in the management of money . . 563
His strict economy of time and health 565
His diet and medicine 566
His personal character and disposition 567
Choice of vocation, repented of only because the hopes with which he entered it were not fulfilled 569
His aspirations in applying himself to the service of the State, and the issue of them 571
But what if he had deserted the service of the State in order to devote himself to the Great Instauration? 573
His real contribution to the progress of modern scientific discovery 574
Whether his character deserves the approbation of posterity, a question for the debating societies 575

Appendix.

No. 1. Mr. Heath's letter on the case of Dr. Steward . . . 579
No. 2. List of papers entered in Robert Stephens's catalogue, to which nothing corresponding has been found 589
Index to Vol. VII. 595

ERRATA.

VOL. VI.

Page	line	for	read
19	7	to	be.
170	20, *dele* "about the Spanish match."		
201	12	Speaker's	speaker's.
353	7	King's privy seal	great seal.
463	last line in col. 1	281	288.

VOL. VII.

12	6	Lionel*	Laurence.
—	28	heard	heard not.
13	4 (up) note	with	worth.
92	3 (up)	Landsdowne's	Lansdowne's.
108	24	domininion	dominion.
133	20	unwonted	unwarranted.
142	(note 1)	archæologes	archæologia.
158	5 (up)	unreasonable	unseasonable.
202	3	*insert is blank*	of.
210	23	som	some.
220	14, *dele dash after comma.*		
311	8	Somersert's	Somerset's.
358	17	1620	1621.
432	3 (up)	Fortesque	Fortescue.
440	15	rumours	rumour.
454	1, *Insert note*, "so in the copy sent to me. But 'Lordship' must be a mistake for 'Lord.'"		
473	3	seperate	separate.
505	7, *dele* "to."		
523	3 (up)	payment	in payment.
565	22	receipts	receipt.
572	2 (up), *insert is blank*, "it."		

* An error in Birch's copy which I had overlooked.

LETTERS AND LIFE OF FRANCIS BACON.

BOOK VII.

CHAPTER I.

A.D 1619. ÆTAT. 59.

1.

In introducing the first order issued by the Commissioners for the Treasury (24th July, 1618),[1] I ought to have mentioned how it came that the Treasury was then in commission.

On the 12th of July, 1618, some complaint had been made against the Earl of Suffolk, then Lord Treasurer, (of what nature does not clearly appear) for misconduct in his office.[2] On the 16th he was directly accused by a former servant of illegal exaction.[3] On the 19th he was deprived of his staff—the sub-treasurer, Sir John Bingley, being at the same time sent to prison.[4]

The private history of such a transaction,—that is, the private conjecture as to its history made by the quidnuncs of the time,—is easy to imagine. Buckingham could not allow any high office in the State to be held by the head of a rival faction: it was necessary that Suffolk should be deposed: it was easy to find a pretext: a pretext was found: and he was deposed accordingly. If the report of news-writers be admitted as evidence, I dare say it would be easy to produce evidence of all this: for this is no doubt what people

[1] Vol. V. p. 317.

[2] Thesaurarius insimulatur de rebus Fisci male curatis. Camden. *Annalium Apparatus.*

[3] Humfreis, ab Epistolis Vicecomitis Wallingfordiæ, scriniis excussis in custodiam datur. Thesaurarium et alios repetundarum accusat. *Ib., Ibid.*

[4] Comes Suffolciæ, Angliæ Thesaurarius, bacillo adempto abdicatur, repetundarum accusatus. . . . et Jo. Bingley, ejus subminister, in custodiam committitur. *Ib.*

would say, and it is the business of news-writers to report what is said. But as it does not appear that any such complaint was made by Suffolk himself; as it *does* appear that between himself and his wife there had been corruption enough going on to make his removal from the office both just and expedient; and as I find no evidence worth mentioning that Buckingham took any part in the matter; I am content for my own part to believe that Suffolk was dismissed from his place because he had been detected in practices which proved that he was unfit to hold it any longer; and that he acquiesced because he had no justification to offer. The Commissioners who were appointed to discharge the duties of his office were also required to examine the charges which had been brought against him; and while their report was expected, nothing more was done. On the 8th of November, as we learn again from Camden, there was a consultation about them.[1] And the result will best appear from a letter addressed by Buckingham himself to the Earl, —one recently found among the Fortescue Papers and printed by Mr. Gardiner for the Camden Society:

THE MARQUIS OF BUCKINGHAM TO THE EARL OF SUFFOLK.[2]

The care I have to acquit myself according to the profession of my friendship toward your Lp. makes me acquaint you at this time with something that fell out concerning you in the time of his M's. last being at Whitehall.[3] Some two days before his remove from thence, the Lords and other Commissioners for enquiry touching the misspending of his treasure repaired to his M. and gave him an account of all their labours, and amongst the rest what they had found against your Lp. and your wife, and in conclusion did all upon their knees beseech his M. to be pleased that both your Lp. and your wife together with Sir John Bingley might be called to the Star-chamber, there to be censured for your misdemeanours in your office. The reasons for which they moved his M. to yield to this order were two: first, for his M's. own honour who could not otherwise be cleared except by such a public and legal course in regard of his taking the staff from you, and for stopping the mouths of those that reported that your Lp's. office was taken from you not upon just grounds but only by the partiality of a Court faction. The other reason was that by this legal and public proceeding there might an example be made for securing his M. and his posterity from being ill-served by any that shall exercise that place hereafter. But though his M. (as himself told me soon after) disputed with them that it had been for his M. honour to grant you first a hearing upon all the points that you are to be

[1] Consultatur de corruptelis nuperi Thesaurarii et aliorum. *Ib.*

[2] Fortescue Papers, p. 77. Draft. Docketed "My Lord to the E. of Suffolk, 11 Jan. 1618."

[3] He left London for Theobald's on the 8th of January. See Nichols's Progresses.

charged with before a certain number of Lords before the time that you should be brought to any public trial, his M. alleging that many things might appear fouler to them than peradventure they would prove when you should be heard to answer for yourself, and that then upon your answer his M. might best discern whether your offences were of so high a nature or not as to make you to be brought to a public trial, yet they all in one voice insisted in their former suit, affirming that to give you first a more private hearing was against all custom in such cases, and that you could object no material thing against that that was to be laid to your charge, because you were accused of nothing that was not proved by oath of divers witnesses, and altogether undeniable. So as though his M. as every man knows be merciful in his own nature, yet could he not resist this their suit, specially they adding to the former reasons that the burden would be upon them as upon partial surmisers and promoters, if the verity of this cause were not once publicly cleared, leaving it then to his M's. mercy to pardon and spare as should please him.

I confess, my Lord, I wish I could acquaint you with better news, but the sooner you be informed of the truth you may the better prepare you for it, and bethink you what you would have his M. moved in, and how far; assuring you that I shall ever faithfully represent to his M. what your Lp. shall be pleased to employ me in.

As to the expiring of their commission, it is now expired for so much as may have reference to your Lp., but in some other things which do very much import his M. service they do yet go on. This my private advertisement to your Lp. I wish may be kept secret to yourself, for I assure you upon mine honour never one of my fellow Councillors knows of this letter, nor of my acquainting your Lp. privately any ways of this purpose. And so I rest,

G. B.

Of this matter we shall hear a great deal more as we proceed.

2.

But there was another case with which the Council had been long occupied, though it has not yet appeared in the correspondence, and of which it will be necessary now to give some account. Sir Thomas Lake's daughter was married to Lord Roos, grandson of the Earl of Exeter. An arrangement about the conveyance of property, said to have been unfairly extorted by the Lakes, and in which the Earl, whose consent was necessary, refused to join, led to a quarrel between the families. To force Lord Roos's consent, he was threatened with scandalous accusations; and when he put himself personally out of reach by going over to Italy, the quarrel was transferred to his kindred. The Countess of Exeter, his grandfather's second wife, was accused of an incestuous connexion with

him, and of a design to poison Lady Roos. The King tried to contrive some course which would have made it unnecessary to publish the scandal by bringing the case into Court; but tried in vain. As early as January 1617-8 it was referred to the Council-board. Before the end of March it was transferred to the Star Chamber, where it seems that both parties put in bills of complaint; the Lakes for the wrong imputed, the Exeters for the wrongful imputation; and the cause was so complicated—the documents put in filling, it is said, 17,000 sheets of paper[1]—that it could not be concluded by the end of the year. The final hearing was now set down for the three Star Chamber days next after Candlemas: the Judges and lawyers were ordered "to cut off all impertinent matter and contract it within some reasonable compass;"[2] and the King meant to hear it himself.

All this, together with the prosecution of the Dutch merchants for exportation of gold, and the negotiation with the Commissioners from Holland about East Indian matters, promised a busy term; though the very press of business which occupied Bacon's time makes his correspondence comparatively barren.[3]

On the 12th of January of this year occurred the great fire at Whitehall, when the Banqueting House was burnt down: which is worth mentioning, partly to correct an error in a popular book which represents the Lord *Chancellor* as present on the occasion,[4]—a misprint or misreading for Lord *Chamberlain*,—but chiefly as bearing upon the disappearance of official papers. When evidence which formed the justification of a government-proceeding is no longer to be found, people are apt to suspect that the papers have been removed because they would not bear examination. But there are many ways in which such disappearance may be accounted for; and one is an accident like this. "One of the greatest losses spoken of," says Chamberlain, "is the burning of all or most of the writings or papers belonging to the offices of the Signet, Privy Seal, and Council Chamber, which were under it,"—that is under the Banqueting House. Now the papers belonging to the Council office at this time may very likely have included many of the examinations connected with the case of Sir Walter Ralegh; and this may be the real reason why so few of them are now forthcoming.

[1] W. Smithe to Carleton, 2 Dec. 1618. S. P.

[2] Chamberlain to Carleton, 23 Jan. 1618-9. S. P.

[3] It was at this time, as we learn from Chamberlain, that he published some new orders for his court, but I do not know that any existing set of orders for the government of Chancery can be identified with them.

[4] 'Court and Times of James I.' vol. ii. p. 124.

3.

Of the few letters belonging to this period, the first (addressed to Lady Clifford) relates to some affair which is not explained. But I find in the Calendar of State Papers (14 March, 1617) notice of an "award between the Earl of Cumberland and the Earl and Countess of Dorset, and *Henry Lord Clifford*, concerning the estating of divers lands, etc., Cos York and Westmoreland, and payment of money;" and it is not unlikely that some remains of that question had to be dealt with by the Court of Chancery. Lady Clifford, wife of Henry Lord Clifford, was the daughter of Bacon's cousin Robert Earl of Salisbury; whose assistance to him "in the passages of his fortune," though not very strenuous, had no doubt been valuable enough to justify this expression of obligation in writing to his daughter.

To the Lady Clifford.[1]

My good Lady and cousin,

I shall not be wanting in anything, that may express my good affection and wishes towards your Ladyship being so near unto me, and the daughter of a father to whom I was in the passages of my fortune much obliged. So with my loving commendations, in the midst of business, I rest

Your affectionate kinsman and assured friend,

Fr. Verulam, Canc.

York House, this 25th
of January, 1618.

Of Buckingham's letters in recommendation of suitors, I have said in the last volume what I had to say; and in one place I find that I have said a little too much. Unacquainted as I am with the rules of proceeding in the Court of Chancery and the reasons of them, I took the final arrangement of Dr. Steward's case,—a reference of the question in dispute to three indifferent persons chosen by the plaintiff and defendant,—to be not only a fair arrangement in itself but a kind of admission that the previous order of the Court had been too peremptory. I have been since informed, however, by one who understands Chancery business that this is not the true construction of the facts; that supposing Dr. Steward had any exception to take to the decree, and the Lord Chancellor had found that there was ground for a rehearing, he could not properly have proceeded in that way; and that the true inference from the

[1] Gibson Papers, vol. viii. f. 102. Copy.

facts as stated by myself is that Bacon did in this case allow Buckingham to interfere in a way which cannot be justified and which he must himself have felt to be unjustifiable. If so, the case deserves further investigation by some one better qualified to understand such matters; for it has a material bearing upon the character of these letters, and my report of the circumstances is not complete enough to form a judgment upon in a question of that gravity. Much would depend upon the practice of the time, and I doubt whether the practice of Bacon's time can be safely inferred even from his own rules and ordinances for the government of the Court: for as we know that there were cases in which the Lord Chancellor held himself bound to obey an express command of the King even where it went against his own declared judgment, so there may have been others in which rules of procedure which he ordinarily acted on, and which if left to himself he would have acted on always, were waived in deference to the King's known wishes, or to avoid some interposition by authority which would have been more inconvenient. In the relations which then subsisted between the Chancellor, the King, and the Favourite, there was room and occasion for the exercise of a good deal of discretion; and too rigid an adherence to rules laid down for the security of justice might sometimes perhaps have endangered justice itself. If he contrived in other cases that the interference should issue in nothing worse than arbitration by indifferent persons chosen by the parties, I should not myself suppose that there was much harm done. In the meantime I wish to withdraw the paragraph in which I stated my own conclusion upon the case of Dr. Steward, and leave it as a question for inquiry and dispute.[1]

The remaining letters from Buckingham in behalf of suitors I continue, in fulfilment of my promise, to print as they occur; though I am not aware that anything of interest can be gathered from them, beyond their general character and intention.

TO THE LORD CHANCELLOR.[2]

My honourable Lord,

Lest my often writing may make your Lordship conceive that this letter hath been drawn from me by importunity, I have thought fit for preventing of any such conceit to let your Lordship know, that Sir John

[1] Mr. Heath has been kind enough to investigate the case, and his report will be found in the appendix to this volume. I will not repeat the indiscretion of offering any opinion of my own on the points at issue.

[2] Harl. MSS. 7006, f. 120. Orig. Docketed by Meautys, "26 Januarii, 1618. My Lo. of Buck. to your Lp. touching Sir John Wentworth."

Wentworth whose business I now recommend is a gentleman whom I esteem in more than an ordinary degree. And therefore I desire your Lordship to shew him what favour you can for my sake in his suit, which his Majesty hath referred to your Lordship: which I will acknowledge as a courtesy unto me, and rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Newmarket, 26 January, 1618.

4.

Of the great Lake and Exeter cause we hear nothing in Bacon's correspondence; for as the King heard it all himself, there was no occasion for any report. But as a great business with which the Council had been so long occupied, it is fit to state what became of it.

By a letter from Sir Thomas Wynne to Carleton, dated 14th February, 1618–9, we learn that it continued five days, the King being every day present: that the first day was occupied with a bill brought by Sir T. Lake against Luke Hatton; the second, with Lady Exeter's bill against Sir Thomas Lake's wife and daughter and both his sons; the third, with Sir Thomas Lake's answer; the fourth, with a cross bill brought by young Sir T. Lake against Lady Exeter; and the fifth, which was the last day of term, with the censure. The evidence went utterly against the Lakes; not only failing to prove the charges against Lady Exeter, but proving forgery and subornation of witnesses on their own part. The blame of the contrivance seems to have lain between Lady Roos and her mother, their respective shares being doubtful. But Sir Thomas Lake himself did not come off clear, and though we are told that both Bacon and Digby "would fain have extenuated his fault,"[1] it would seem by the judgment that he was thought as much to blame as either. Heavy fines to the Crown, heavy damages to the party, with imprisonment during pleasure, submissions, and apologies, were awarded in pretty equal proportions to all the principals; and Sir Thomas had to resign his seals of office:—a result which seems to be abundantly explained without imputing it to a personal grudge on the part of Buckingham, and a determination "to drive him, if possible, from Court." There appears to have been only one opinion in the country as to the blackness of the case which he had certainly abetted and used all his influence to maintain; and if he had not been very wicked, he had certainly been very weak. But among the singular felicities

[1] Sir T. Wynne to Carleton, 14 Feb. S. P.

of Buckingham, if he was really the author of these things, there is none more singular than this:—whenever he "made up his mind" to ruin a man, that man immediately did something on his own account which without his intervention made ruin inevitable. So far as we have advanced as yet, no man has been driven from Court who would not have had to leave it if Buckingham had never been born.

His victory over the Earl of Suffolk was not yet complete, as we see by the next letter; but it was on its way to completion: for examination failed to clear him.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

I send by post this sealed packet containing my Lord of Suffolk's answer in the Star Chamber; I received it this evening at six of the clock, by the hands of the Master of the Rolls, sealed as it is with my Lord of Suffolk's seal, and the Master's of the Rolls. But neither I nor the Master of the Rolls know what is in it; but it cometh first to his Majesty's sight; only I did direct that because the authentic copy (unto which my Lord is sworn, according to the course of the court) is not so fit for his Majesty's reading, that my Lord of Suffolk should send withal a paper copy which his Majesty might read with less trouble. My Lady Suffolk is so ill of the small-pox, as she is not yet fit to make any answer.

Bingley's answer is come in, a long one; and as I perceive, with some things impertinent, yea and unfit. Of that I confer with Mr. Sollicitor to-morrow; and then I will further advertise your Lordship.

God ever preserve and prosper you.

Your Lordship's most obliged friend,
and faithful servant,
FR. VERULAM, Canc.

York-house, this 23 February,
at 9 of the clock.

5.

The Queen, who had been suffering from dropsy since the begin-

[1] Gibson Papers, vol. viii. f. 124. Copy. Docketed, "1618, 23 February. A copy of y^r Lps. letter to my L. Marquis Buckingham, sending withal my L. of Suffolk's answers."

ning of the year, died on the 2nd of March. On the 19th the King himself was seized on his way from Newmarket to Royston with a sudden illness, so severe that the Prince was sent for, and most of the Court Lords followed. It was a violent fit of the stone, and, though he got through it, he was slow in recovering his proper health; and the alarm continued long enough to test the feeling of the people. "I am glad," says Chamberlain, writing on the 27th of March, "to see the world so tenderly affected towards him; for I assure you all men apprehend what a loss we should have if God should take him from us, and do earnestly enquire and in general heartily wish and pray for his welfare."[1] And again, on the 10th of April, he writes that the King "hath continued weak and had divers accidents that gave a general apprehension of danger, and though he bare it with unusual patience, yet it seems he was not so confident of himself but that he prepared to settle things as if he were to leave all; and to that end made an excellent speech to the Prince before all the Lords there present; recommending divers of them to him by name for divers good parts and services—as the Duke, the Lord Chamberlain, the Earl of Arundel, the Lord Fenton, the Lord Haddington, but specially the Marquis Buckingham and Hamilton. The Lord Digby he only excused as having undergone a great deal of envy for doing that he expressly commanded him, saying he was an able man and fit to do service. Further he gave him charge of Religion, and of respecting the Bishops,—as grave and wise men and best companions for princes."[2] He was so much better however by the 11th, that the Bishop of London preached at Paul's Cross, before the greatest audience that Chamberlain remembered to have seen,—almost all the Council and great men about town being present—a thanksgiving sermon for his recovery.[3] It appeared that there had been little or no hope left, and that the physicians themselves were of that opinion. And a week later he reports that "his sickness was more than vomiting and looseness, which were accompanied

[1] S. P. vol. cvii. no. 54.

[2] *Ib.* cviii. no. 33.

[3] *Ib.* No. 51. Camden's note of the sermon is worth quoting for the benefit of those who wish to know what was thought at the time. "Episcopus Londinensis ad Crucem Paulinam concionatus, gratias Deo agit de restaurata Regis valetudine, quem meritis laudibus celebravit, et imprimis ob justitiam æquabiliter singulis administratam. Dixerat enim Rex in Camerâ Stellatâ, etsi reliquis humanæ fragilitatis vitiis laboraret, se tamen justitiam sincere coluisse; nec esse cur veniam injustitiæ apud Deum deprecaretur." Annal. Apparat. That James should confess himself subject to human frailty at all, sounds strange to posterity, who have been taught to believe him incapable of such knowledge. That the one human frailty of which he thought nobody could accuse him was partiality in the administration of justice, will probably sound stranger still. But contemporaries do not seem to have found anything strange in it.

with a plain fever and divers strange accidents of inequality, intermission and failing of his pulse, with vehement singultus, and other dangerous and deadly signs and symptoms, which you may the better conceive by his slow recovery; being yet very feeble, though he have no manner of affection either of stone or gout."[1]

It was remarked about the same time that Bacon was slack in attendance upon his public duties. On the first Star Chamber day in Easter term "he came late into the Hall, and staid not long." On the 11th of April "he was not at Paul's Cross with the rest of the Council." On the 16th he did not appear at all at the Star Chamber, so that there was no court. "Which is thought," Chamberlain adds, "rather to proceed of tenderness than of any real indisposition or infirmity."[2] On the 24th he writes again: "The Lord Chancellor's slackness (caused by the delicateness of his constitution) hath raised a rumour as if he were like enough to have a Lord Keeper for his coadjutor, or rather to have the place executed by commission when his health will not suffer him to follow it. But to disperse such mists, he is gone this day to Theobald's to see and congratulate his Majesty's happy recovery." To the same effect another of Carleton's correspondents writes on the 8th of May:

"Your Lordship may perhaps have heard that the Lord Chancellor was like to have some assistants put upon him: but there is no such thing: and he is now in as much favour at Court as ever, if not more."[3]

The truth, I believe, was that he had had a more serious illness than anybody supposed. In the beginning of March we learn from Chamberlain that he had a severe fit of the stone "which held him in great pain two or three days." But his illness appears to have lasted a good deal longer. The expression in a letter to Toby Matthew, written about two years after—"when once my master, and afterwards myself, were both of us in extremity of sickness (which was no time to dissemble) I never had so great pledges and certainties of his love and favour"[4]—can hardly refer to any other time than this. And in the manuscript copy of another letter of still later date, I find a line crossed out in which he had spoken of it as the time of his "great sickness."[5]

This circumstance accounts for the comparative unfrequency of his letters during this spring; which may now follow without further comment.

[1] S. P. Ap. 24.
[2] S. P. 17 April.
[3] Nathonael Brent to Lord Carleton, 8 May, 1619. S. P.
[4] Matthew's Collection, p. 33.
[5] To the King, 5 Sept. 1621.

6.

To the Lord Chancellor.[1]

My honourable Lord,

I being desired by a special friend of mine to recommend unto your Lordship's favour the case of this petitioner, have thought fit to desire you for my sake to shew him all the favour you may in this his desire, as you shall find it in reason to deserve; which I shall take as a courtesy from your Lordship, and ever rest

Your Lordship's faithful friend and servant,

G. Buckingham.

I thank your Lordship for your favour to Sir John Wentworth in the dispatch of his business.[2]

Newmarket, 15 March, 1618.

To the Lord Chancellor.[3]

My honourable Lord,

His Majesty hath commanded me to signify unto your Lordship, that it is his pleasure you put off the hearing of the cause between Sir Arthur Maynwaring and Gabriel Dennys till toward the end of the term; because his Majesty is graciously pleased to be at the hearing thereof himself. And so I rest

Your Lordship's faithful friend and servant,

G. Buckingham.

Royston, 13 April, 1619.

To the Lord Chancellor.[4]

My honourable Lord,

I understand that there is a business of Sir John Jepson's to be heard before your Lordship upon Thursday next. My desire unto your Lordship is that you would take notice of him as a gentleman whom for his worth and merits I much respect, and have such consideration of his cause as the justness thereof shall deserve; for which I will always rest

Your Lordship's faithful friend and servant,

G. Buckingham.

Royston, the 13 of April, 1619.

[1] Harl. MSS. 7006, f. 122. Orig. Docketed "1618."

[2] The Postscript is in Buckingham's own hand.

[3] Harl. MSS. 7006. f. 126. Orig. Docketed, "The Marquis of Bucking^m. to yor. Lp. touching the putting off of a cause between Sir Arthur Mainwaring and Gabriel Dennis."

[4] Harl. MSS. 7006. f. 124. Original. Docketed in another secretary's hand, "Lo. Marquis Buckingham to his Lp. on the behalf of Sir. Jo. Jepson in a suit in Chancery."

Among the letters entered in Stephens's catalogue which have not been found, is one dated 16 April, 1619, beginning "For the first fruits," described as "about the King's debts to the City and to Sir Noel [Caron]," and addressed to Buckingham. If such a letter should be discovered this will be its place.

TO THE LORD CHANCELLOR, AND SIR LIONEL TANFIELD, LORD CHIEF BARON OF THE EXCHEQUER.[1]

My Lords,

His Majesty having been moved by the Duke of Savoy's ambassador in the behalf of Philip Bernardi, whom he is to send about some special employment over the seas to the Duke of Savoy; That before his going the business mentioned in this petition may be ended hath commanded me to recommend the same unto your Lordships' care, that with all expedition the cause may be heard and ended by your Lordships according to his Majesty's reference, or left to the determination of the Court of Chancery where it is depending, and where the party assureth himself of a speedy end. And so I rest

Your Lordships very assured friend at command,

G. BUCKINGHAM.

Royston, the 19 of April, 1619.

TO THE MARQUIS OF BUCKINGHAM.[2]

My very good Lord,

I think fit to let your Lordship understand what passed yesterday in the Star Chamber touching Suffolk's business.

There came to me the Clerk of the Court in the inner chamber, and told me, that my Lord of Suffolk desired to be heard by his counsel at the sitting of the court, because it was pe [***][3] him.

I marvelled I heard of it by Mr. Attorney, who should have let me know as much, that I mought not be taken on the sudden in a cause of that weight.

I called presently Mr. Attorney to me, and asked him, whether he knew of the motion, and what it was, and how he was provided to answer it. He signified to me, that my Lord would desire to have the commission for examinations in Ireland to be returnable in Michaelmas term. I said it might not be, and

[1] Harl. MSS. 7006. f. 130. Orig. Docketed, "19° April, 1619. Mr Lo. of Buck. to yr. Lp. on the behalf of Philip Bernardi."

[2] Gibson Papers, vol. viii. f. 104. Copy. No flyleaf. Indorsed in the usual hand, "Sent by Sir Gilbert Houghton."

[3] The rest of this word, which is at the end of the line, has been worn away in the MS. The first letters look like 'pen' (as Birch read them) but I think the word may have been "permitted" or "promised."

presently drew the council then present to me, and made Mr. Attorney repeat to them the passages past, and settled it that the commission should be returnable the first day of the next term, and then publication granted, that it might (if accidents of wind and weather permit) come to hearing in the term. And upon motion in open court it was ordered accordingly.[1] God ever preserve and prosper you. I pray God this great easterly wind agree well with his Majesty,

Your Lordship's most obliged friend,
and faithful servant,
Fr. Verulam, Canc.

May 6, 1619.

To the Marquis of Buckingham.[2]

My very good Lord,

I am much bounden to his Majesty, and likewise to your Lordship. I see by the late accesses I have had with his Majesty, and now by his royal and real favour,[3] that he loveth me, and knowledgeth me for the servant that I am, or desire to be. This in me must turn to a great alacrity to honour and serve him with a mind less troubled and divided. And for your Lordship, my affection may and doth daily receive addition, but cannot, nor never could, receive alteration. I pray present my humble thanks to his Majesty; and I am very glad his health confirmeth; and I hope to see him this summer at Gorhambury. There is sweet air as any is. God preserve and prosper you both. I ever rest

Your Lordship's most obliged friend,
and faithful servant,
Fr. Verulam, Canc.

May 9, 1619.

[1] See S. P. Dom. James I. vol. cix. no. 10, "order in the Star Chamber, refusing the application of the Earl of Suffolk for delay of his cause till Michaelmas term, on plea of time for examination of witnesses in Ireland, so many delays having already occurred; and commanding that all examinations on both sides be ready by the first day of next term." Calendar, p. 43.

[2] Gibson Papers, vol. viii. f. 105. Copy.

[3] "The Lord Chancellor hath a grant lately made of 1200*l.* a year during his life and seven or ten years after, out of the office of alienations." Chamberlain to Carleton, 4 June, 1619.

"The King hath granted some days since to her [Lady Bedford] and the Marquis Hamilton a suit out of the Cursitor's office in Chancery, with 2000*l.* a year, towards the payment of her debts; in consideration whereof the Lord Chancellor hath the 1200*l.* a year I wrote of: because it is a collop out of his Court." *Id.* 19. June, 1619.

TO THE LORD CHANCELLOR.[1]

My noble Lord,

I shewed your letter of thanks to his Majesty, who saith there are too many in it for so small a favour, which he holdeth too little to encourage so well a deserving servant. For myself I shall ever rejoice at the manifestation of his Majesty's favour towards you, and will contribute all that is in me to the increasing his good opinion; ever resting

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

TO THE R. HO: MY VERY GOOD LO, THE LO. MARQUIS BUCKINGHAM, LO: HIGH ADMIRAL OF ENGLAND, AND OF HIS M. MOST HO. PRIVY COUNCIL.[2]

My very good Lord,

If I should use the Count de Gondomar's action, I should first lay your last letter to my mouth in token of thanks, and then to my heart in token of contentment, and then to my forehead in token of perpetual remembrance.

I send now to know how his Majesty doth after his remove, and to give you account, that yesterday was a day of motions in the Chancery; this day was a day of motions in the Star-chamber (and it was my hap to clear the bar, that no man was left to move any thing, which my Lords were pleased to note they never saw before); to-morrow is a sealing day; Thursday is the funeral day;[3] so that I pray your Lordship to direct me whether I shall attend his Majesty Friday or Saturday. Friday hath some reliques of business, and the commissioners of treasure have appointed to meet; but to see his Majesty is to me above all.

I have set down *de bene esse* Suffolk's cause the third sitting next term, if the wind suffer the commission of Ireland to be sped. I ever more and more rest

Your Lordship's most obliged friend and faithful servant,

FR. VERULAM, Canc.

This xi. of May, 1619.

[1] Harl. MSS. 7000. f. 71. Orig. own hand. Docketed by Meautys, "My Lo. of Buck^m. to my Lo." No date.

[2] Fortescue Papers. Original, own hand.

[3] The Queen's; who died on the 2nd of March.

To the Lord Chancellor.[1]

My most honourable Lord,

I acquainted his Majesty with your letter at the first opportunity after I received it, who was very well pleased with that account of your careful and speedy dispatch of businesses. And for your Lordship's coming to attend his Majesty, Saturday will be the fittest day both in regard of his M. leisure and for those remainders of business which I see do yet lie upon your Lordship. I would sooner have given your Lp. answer to your letter, but that your servant seeing me so long busy with his M. and not hoping for despatch that night he was here, went away for that time upon assurance that it should be sent after him. I will give order for the despatch of your business as soon and in what manner you will direct, and so I rest,

Your Lp's faithful friend
and servant,
G. Buckingham.

Greenwich, 13th May, 1619.

Your business should have been done before this, but that I knew not whether you would have the attorney or solicitor draw it.

[1] Harl. MSS. 7006, f. 134. Docketed by Meautys "13 May, 1619, my Lo. of Buck^m. to your Lp. touching your own business."

CHAPTER II.

A.D. 1619. ÆTAT. 59.

1.

THE next letter, though only one of compliment, serves to remind us that the summer of 1619 was a critical time for Europe; and to introduce a remarkable paper of Bacon's which has hitherto escaped notice, but which is important as indicating the policy which in this crisis he would himself apparently have recommended England to pursue.

We have seen that in the beginning of March, 1616–7, he had concurred as one of the select councillors to whom the question of proceeding or not proceeding with the treaty for a marriage between the Prince of Wales and the Infanta of Spain was then referred, in a recommendation to proceed with the treaty,—as an enterprise which promised advantages either in case of success or failure. If it were carried out on fair conditions it would be a valuable alliance; if it broke, the breach would probably be upon some material point of religion, and such a breach would strengthen the Government, both with subjects at home and with the Protestant powers abroad. The resolution finally taken by the King appears to have been in accordance with that recommendation, and to have been framed cautiously, with a view to either event. Digby was appointed to negotiate a treaty upon the basis of the articles, as last agreed upon; according to which a general promise of connivance and leniency in the administration of the penal laws against the Catholics was all that Spain demanded in the way of toleration. Upon this basis he was commissioned to treat and conclude, if he found the symptoms favourable; but not otherwise: and with reservation in any case of the point of religion, on which nothing was to be finally concluded until it had been submitted to the King and expressly approved. But the concession which the Spaniards had made or

professed to make on the point of religion had already served its purpose: it had encouraged James to renew the negotiation for the marriage, and thereby detached him from an alliance with France; and they were now free to withdraw it again. When Digby arrived in Spain in September, 1617, he found them as liberal and easy as possible with regard to the marriage portion and other temporal articles; but upon the religious point they could not now be satisfied with less than an engagement to *repeal* the statutes relating to the Catholics. This was a different thing: and accordingly, pleading want of commission to treat upon that point, and having arranged to his satisfaction what else he had in charge, he came home. James, knowing this to be an engagement beyond his power to fulfil, declined to entertain the proposal. This was in May, 1618. And thus it would seem that the case had already occurred which the select councillors had anticipated: the negotiation was about to break upon a material point of religion; and if their advice had again been taken at this juncture I can hardly doubt that they would have advised the King to take advantage of the occasion to break it off at once. It would certainly have been the best course to take, and would have left the Government in a better position, both at home and abroad, than it was before. But for this James was not quite prepared, and I have some reason to think that he expressly abstained from consulting the councillors on that point, as knowing what their advice would be, and hoping to be able to bring the matter into a better shape himself.[1] But however this may be,

[1] I infer this, though somewhat doubtfully, from a passage in the 'Narrative of the Spanish Treaty,' by Francisco de Jesus; edited and translated by Mr. Gardiner for the Camden Society, 1869. On the 27th of May, he says that the King asked Gondomar to have an interview with the commissioners, "in order to hear from them their approbation of the 20 articles and of the 5 which had been added, and which Sir John Digby had brought with him from Madrid; but *asking him to say nothing to them about the principal point of religion and the liberty of the Catholics*, because the King wished to treat of that privately with his Catholic Majesty, and to see if they could come to an agreement" (p. 147). He adds indeed that Gondomar did not feel justified in listening to anything about the articles "without adding that the principal matter which had to be arranged and secured was the general point, since in no other manner could either his Majesty [the King of Spain] agree to the marriage, or the Pope dispense: and he therefore spoke in this manner at the meeting which took place between himself and the aforesaid commissioners; *and they declared that they would on their part help to facilitate and bring about this liberty of conscience.*" But if any one is disposed to infer from this that they did *not* at that time advise the breaking off of the treaty upon that "principal point of religion," I would remind him that this was only what they said to Gondomar,—or rather what Francisco says that Gondomar told him they said;—and that if they thought it expedient for the King to take this occasion of breaking off the treaty and found him unprepared to follow their advice, it was certainly not to Gondomar that they would confide their views. It was not for them to break off the treaty. All they had to do was to give him a civil answer.

the treaty was not formally broken off at this time, and though it was not proceeded with, the friendly relations between England and Spain were not in any way disturbed. The Catholics were treated favourably. Imprisoned priests were set at liberty. The strictest justice—or what James believed to be justice—was enforced with regard to all Spanish complaints, even when (as in the case of Sir Walter Ralegh) it brought him into dangerous opposition to the current of popular feeling. He still wished for the Spanish alliance: but if the marriage treaty could not proceed unless he promised more than he could perform, it must stop. And it stopped accordingly, until a new alarm from another quarter induced the Spaniards to start it once more, and to give it room to move by retreating for awhile from the position which they had taken up.

This new alarm came from the revolution in Bohemia, which was indeed the beginning of the thirty years' war—a war which the greatness of Spain was not destined to survive. In the summer of 1618 the Protestant aristocracy of Bohemia, upon some dispute about the suppression of Protestant churches on the ecclesiastical lands which was held to be a breach of charter, rose against the government, broke in upon the Board of Regency as they sate in council in an upper chamber, threw three of the ministers out of the window, established a Directorate of thirty members, and appealed to all the Protestant powers of Europe for support. It was a movement which could not be confined within the limits of the country. The Emperor of Germany was King of Bohemia, and his cousin Ferdinand of Styria was heir elect. Germany, therefore, with all its discordant elements—its Jesuits, Calvinists, and Lutherans, its Catholic League and Protestant Union, its weak head and unmanageable members,—was an immediate party to the quarrel. The sympathies of Spain were with the Emperor, and her policy urged her to take his part and assist in crushing the Bohemian rebellion. But her finances were not in condition for a great war, unless England could be kept out of it; and the commanding position on the Protestant side which the crisis placed within England's reach was a temptation which something must be done to counteract. Mr. Gardiner has given us the substance of a report submitted by Gondomar and Aliaza to the Spanish Government on the 13th of January (o.s.), 1618–9, which will best shew the view *they* took of the relation between Spain and England at this juncture.

"In spite," said Gondomar, "of the success which had attended his efforts to keep James out of the hands of the war party, it was impossible to be free from anxiety for the future. It was true that the King's exchequer was empty; but the nation was rich, and a declaration of war

with Spain would immediately be followed by a large grant of money. In a few days a powerful fleet could be manned and equipped. On the other hand, at no time had the Spanish navy been so entirely unprepared for war. The sea would swarm with English privateers, and whoever was master at sea would soon be master on land. The Dutch rebels, the French Huguenots, and the German heretics, would place James at the head of a powerful confederacy, and it was impossible to say what injury he might not inflict upon the Catholic church and the Spanish monarchy.

"At any price, then, the friendship of James must be secured. With that, everything would be possible, even the reduction of England to the Catholic church. The marriage treaty must again be set on foot."[1]

Such being the opportunity of England according to the best Spanish opinions (and Gondomar was a much better judge of her position among foreign nations than of her domestic conditions, which he could never understand) it would have been strange if among her own councillors there were none who, taking the same view of the situation, were for pressing the advantage, and pursuing in the interest of England the very policy from which Gondomar in the interest of Spain had taken so much pains to divert her. Of what may have passed at the Council-table with regard to that question we have no record. The news-writers of the time were not informed, and we know little more of the matter than what we gather from the King's own letters explaining his own views. I have no evidence that the question was formally referred to the Council at this time. But this paper of Bacon's has very much the appearance of an argument prepared for a consultation either at the Board or at a meeting of the commissioners: and even if he had no opportunity of using it—which is very likely, for the King was not prone to seek advice when his own mind was made up and he wanted no help—it does not the less prove what his personal opinion was. It has no date; but it contains an evident allusion to a circumstance which happened about the middle of March, 1618–9, and as it takes no notice of any of the great events which came so thick in the following summer and autumn, we may probably conclude that it was not written much later. There must have been many occasions to remind Bacon of the importance of the question and to make it probable that a decision upon it might at any time be required. For the proceedings of Spain had been a matter of curiosity and anxiety all that spring, and the question among the outside politicians was only whom she was preparing to attack.

"The alarm of the Spanish preparation," says Chamberlain, writing on

[1] Gardiner, vol. i. p. 270.

the 30th of January, "sounds loud here at least and ministers much matter of discourse. Most men doubt they have a meaning to Ireland; the rather for that they have entertained many Scottish and Irish pilots; and that the Earl of Argyle and Tyrone's son are said to be gone for Spain. We talk of order taken for twenty ships to be made ready, half of the King's, the rest merchants, the best that can be had. Though we cannot be persuaded that he hath any intent hitherward, yet is it not good to stand to his courtesy. For my part, by all that I can gather, I should rather think he hath a mind to the Venetians; or to land his forces thereupon and go for Austria or Bohemia."[1]

A letter from Toby Matthew to acon about Spanish affairs, docketed 14 February 1619—which must mean 1618-19—and written from Brussels, gives similar news, though with a different interpretation.

"In Spain there are very extraordinary preparations for a great Armada. Here is lately in this court a current speech as that the enterprise (whatsoever it should have been) is laid wholly aside; but that were strange; yet this is certain, that the forces of men (to the number of almost two thousand) which were to have gone into Spain from hence, are discharged, together with some munition, which was also upon the point of being sent. Another thing is also certain, that both in the Court of Spain and this, there is at this time a strange straitness of money; which I do not conceive, for my part, to proceed so much from want, as design to employ it. The rendezvous where the forces were to meet was at Malaga within the Straits, which makes the enterprise upon Algiers most likely to be intended. For I take that to be a wild conceit, which thinks of going by the Adriatic, *per far in un viaggio duoi servitii*, as the giving a blow to Venice, and the landing of forces in aid of the King of Bohemia, about Trieste.

"Perhaps the King of Spain would be glad to let the world see that now he is *hors de paye*, and by showing himself in some action to entitle the Duke of Lerma to all his former sloth; or perhaps he now makes a great preparation, upon the pretence of some enterprise that he will let fall, that so he may with the less noise assemble great forces some other year for some attempt not spoken of now."[2]

Whatever his intentions had been, they were diverted by the measures taken to wait upon and meet them; and the news of the 16th of March was that "all preparations for war were certainly laid aside for the year."[3] But the death of the Emperor Matthias

[1] S.P. vol. cv. no. 69.

[2] Gibson Papers, vol. viii. f. 123. The date at the foot of the letter is torn off; but it is preserved in the docket; which is written by Meautys in Greek characters. Matthew probably dated according to the foreign practice—new style, and year commencing in January.

[3] Lorkin to Puckering, March 16, 1618-9. C. and T. of James I. vol. ii. p. 146.

on the 10th opened new questions; and we have evidence that towards the end of April our relations with Spain were in some shape or other under consideration of the Council. "The last week," writes Lorkin on the 26th of April, "all such as had received letters out of Spain were by particular summonses commanded to bring the same to the Council-table, there to be perused. I cannot understand the true cause; but I conjecture it may be to discover by the several advertisements from all parts whether the King of Spain resumes again his former designs of raising forces now upon the fresh news of the Emperor's death."[1] In the meantime the Elector Palatine was in active correspondence with his father-in-law, and with all persons who were likely to have influence with him, hoping to engage England in the cause of the Bohemian revolution, and obtain aid of money and men. One of his projects was to get the Duke of Savoy made Emperor, and it was about this time that he sent De Plessen, one of his principal councillors, to England, in order to engage James in the support of it. It was probably by the hands of De Plessen that Bacon received a letter from him, the purport of which we do not know; but which most likely related to the same business; and though Bacon in his answer confined himself of course to general expressions of sympathy and good-will, yet as assistance to the Bohemian Protestants in any shape would necessarily lead to a breach of friendly relations with Spain, and as this was the crisis when the decision should be taken if it was to be taken at all, nothing seems more natural than that he should turn his thoughts to a serious consideration of the case, as a matter of policy, and set down a note of his conclusions. For the drawing up therefore of a short statement of the balance of forces between Great Britain and Spain I find no time more probable than this. His conclusion, it will be seen, is substantially the same as Gondomar's.

His reply to the Count Palatine is called a "minute"—meaning, I suppose, that it was written to dictation, for otherwise it would have been called a copy—and is in Meautys's hand.

To the Count Palatine of the Rhine.[2]

Monseigneur,

Je me tiens a grand honneur, qu'il plaise à vostre altesse

[1] C. & T. ii. p. 155.

[2] Gibson Papers, vol. viii. f. 107. Copy by Meautys. No fly-leaf. Indorsed in the usual hand "13th May 1619. The minute of a letter from your Lp. to the Count Palatine of the Rhine."

de me cognoistre pour tel que je suis, ou pour le moins voudrois éstre, envers vous et vostre service: et m'estimeray heureux si par mes conseils aupres du Roy, ou autre devoir, je pourroy contribuer à vostre grandeur, dont il semble que Dieu vous a basti de belles occasions; ayant en contemplation vostre tres-illustre personne, non seulement comme tres-cher allié de mon maistre, mais aussi comme le meilleur appui, apres les Roys de Grand Bretagne, de la plus saine partie de la Chrestieneté.

Je ne puis aussi passer sous silence la grande raison, que vostre Altesse fait a vostre propre honneur; en choissisant tels Conseilleurs et Ministres d'Estat, comme se montre tres-bien estre Monsieur le Baron de Dhona et Monsieur de Plessen, estants personages si graves, discretes et habiles; en quoy vostre jugement reluict aussi. Vostre Altesse de vostre grace excusera la faulte de mon language François, ayant éste tant versé es vielles Loix de Normandie; mais le coeur supplera la plume, en priant Dieu de vous tenir en sa digne et saincte garde.

Monseigneur,
De vostre altesse le plus humble
et plus affectionné serviteur.

The paper on the comparative resources of Great Britain and Spain which I suppose to have been drawn up about this time—earlier, I should think, rather than later—is taken from a manuscript now in the British Museum, which seems formerly to have belonged to the collections used by Dr. Rawley for the 'Resuscitatio;' being in a hand in which a large portion of them is transcribed. On the cover is written, I think in the same hand, "A short view of Great Brittayne and Spayne": and below (whether in the same hand or not, I am doubtful) "by Sir Francis Bacon." Whoever inserted the name was no doubt right. The lower corner of the leaves has been damaged and worn away by damp, but the last words are supplied from other copies, of which there are two or three in existence, though none that I have met with of high enough authority to make a complete collation worth while.

A SHORT VIEW TO BE TAKEN OF GREAT BRITAIN AND SPAIN.[1]

His Majesty now of England is of more power than any of his predecessors.

[1] Additional MSS. 4263, no. 102 (A). Harl. MSS. 6353, f. 72, b. (H).

1. Because touching our addition of dominions, Ireland is reduced into a more absolute state of obedience and increase of revenue than heretofore. The footing we had in France was rather a greatness of trouble unto us than of strength: It was always in division: it held us in a continual flux of treasure and blood: we never attempted it in front but it[1] attempted us in the rear; which did both distract our armies and aggravate the charge. It is a territory so separated from us by nature as we could not advance upon it either for offence or relief without the excess of difficulty and charge that a State must undergo when it runs the necessity of such an undertaking by sea, where the war was bent upon a great continent, a populous nation, a plentiful country, entire in itself, and that can be succoured without passing the seas. In these things we found such disadvantages as have been the undoing of our expeditions. Instead of the departure from this broken dominion we had in France his Majesty hath brought another whole kingdom to England; undivided from us either in amity or seat; from whence we have these benefits. The back-door that was open in the assistance of our enemies, both to offend us and to divert our attempts from them, is now open to us, and his Majesty hath the key of it. It saves us the money and the men that we were forced to employ in a second army for the withstanding the invasion of that side, and not saves us it only, but renders it to bestow in undertakings of profit which we were wont to spend upon defences of loss. We have another valiant nation to assist us, whose service in the Low country wars hath often and always given us this testimony of their affection and faithfulness even in Queen Elizabeth's time, that in every national quarrel between us and others, which hath many times happened between the French and us, they have voluntarily and bravely sided with us, making that danger common both to themselves and us which was drawn out but particularly against the English. The joining of Scotland hath made us an entire island, which by nature is the best fortification and the most capable of all the advantages of strength that can by art be added unto nature; whereby we may be able at one and the same time both to undertake any action abroad and defend ourselves at home without either much danger or great cost.

[1] *that* in both MSS.

2dly. By reason his Majesty hath the neighbourhood of the powerfullest nation at the sea that now is in the world, at his devotion; a people by nature more worthy our credit than any other; the use of whose neighbourhood our own histories will commend unto us, if we enquire of the ages past, even then when they wanted that power and that knowledge in their industry[1] which they now have as well in matter of peace as war: the memory of those times will tell us that we seldom undertook any great thing without them; insomuch as our loss of France may probably in part be imputed to the breach we suffered in their friendship. And though they were then of the same religion with England, as likewise now they are, yet the present condition that we do both of us stand in for points of religion doth place us in an estate of better assurance with them than the condition of those times did. For then considering there was no main national separation in the Church, religion was but a common bond upon them and inclined them to no particular side; where now it hath the motive in it to make defence with us against an opposite Church in such a nation as hath drawn both of us into one and the same cause in quarrel as well of policy as religion. And lastly, their army is the best military school in the world; from whence our land-services may at least be sufficiently appointed with officers.

Now for the hearts of our people and wealth of our kingdom, though (it may be) some of your Majesty's ill-affected subjects could be willing we should distrust our own strength, when we receive these two points into our consideration; yet for the first, the occasion whereof they have derived from our difference in religion, I may say the wrath of God hath been so evident against them in the confusion of their plots, as methinks it should be an horror to them to think of attempting any further that way. For those of them that have made a covenant with blood, we stand not so either in need or fear of their numbers, but we may both spare them and suppress them. And far be it from me to think that many even of those that hold no communion with us in the Church should give other nations the cause to say that in England are the false men that take up God's weapon against him and their own weapons against themselves, in the favour of a foreign ambition, that make the pre-

[1] So H. A has, "the power and that knowledge of their industry."

tence of religion but a port-hole to lay his artillery out at, or his scaling-ladder to assault by.

Now to the second point touching the wealth of the kingdom, if I did call the Council of Spain itself to give judgment in the cause, I should need no better sentence to condemn their opinions that think the King of Great Britain poor. Their master knows well enough he shall find it otherwise whensoever he shall undertake to attempt us, or we them.

Now for Spain, his Majesty there, though accounted the greatest monarch of Christendom, yet if his estate be enquired through, his root will be found a great deal too narrow for his tops. His dominions are so far in distance asunder, as they cannot give relief time enough one to another upon an alarum; which is the reason he is more powerful to assault than to defend; and therefore are compelled to have continual garrisons of that charge which he is unable to maintain. He hath more to do with shipping than any other prince, yet hath few seamen at his devotion, but by extreme charge; and those of the worst sort. His poverty heretofore[1] hath appeared in the mutinies of the Low Countries' armies for want of pay: which was a great cause of his ill success there. And I cannot see how his estate should be much better now than it was, for though it be true that his charge is somewhat less, yet it is true that his subsidies in Spain are diminished, as well in respect of insupportableness as indisposition,[2] and his returns out of the Indies decay; and indeed but for the Indies he were the poorest King of Europe.

Now it serves the better for the finding of his weakness or strength, to enquire whether he be able to stand upon terms of defiance and yet hold the Indies? I think not. His Majesty of England joining with the States of the United Provinces is of power to raise two[3] Armadas, the one to block up Spain, the other to block up the Indies. The least success that may be hoped for out of this[4] enterprise, the cutting off his returns, would beggar him. The fear of this project was the thing that stopped his greatness to the United Provinces, when he departed with his pretence of sovereignty to them; and

[1] So H. A has *therefore*.

[2] "as well in respect of insupportablene . . . . . indisposition" A. "as well in respect of insupportableness his impositions" H.

[3] *to*, A. 3, H. [4] A has *his*.

that fear is an ague he is not yet cured of. This is a right design and a great one: such an one as I wish we had all the treasures and all the valiant blood of our ancestors to bestow upon, for the expense whereof we have nothing to show now but the two poor islands of Jersey and Guernsey. And to say truth in that case, if all the lands that belong to the Crown of England were offered to his Majesty, I should not give my advice to receive them, much less to conquer them.

Now for the disposition of the Low-country men, I assure myself there cannot be a thing more desired than they desire to join with his Majesty in any undertakings, especially in this. For they are sorry they understood so little the King of Spain's weakness in Queen Elizabeth's time, when her Majesty so affected their joining with her, and that now they know that his Majesty being greater in power will yet suffer such an enemy to all Christian princes, chiefly to those of his Majesty's religion, to creep into his bosom; for all the greatness he hath he holds by courtesy of his Majesty, and to that end courts him: he knows he were undone else.

To conclude withal, I will infer some of the reasons that persuade to the undertaking of that design.

The policy of Spain hath trodden more bloody steps than any state of Christendom. Look into the treaties and the negociations of his ministers abroad. You shall find as much falsehood in these[1] as blood in the other. He never paid debt so truly as to those he employed in the corrupting of the ministers of other princes. He holds league with none but to have the nearer access[2] to do harm by; and a match in kindred shall not hinder it when he intends his advantage once.[3] He disturbs all Christendom with his yearly alarums and armadas, and yet doth less hurt to Infidels and Pirates than any; unless it be to get[4] wherewithal to arm himself against other Christian princes. And he hath an ambition to the whole empire of Christendom. These are motives wherein all Christian princes are interessed, so as with reason they[5] cannot oppose the design: nor will, I think, the most of them: he hath derived himself into such an hatred with them.

[1] So H. A has *theirs*.
[2] So H. A has *success*.
[3] So A. H has "when he apprehends his advantage, once he disturbs," etc.
[4] So H. A omits *to get*.
[5] *hee*, A.

Let us now betwixt his Majesty and the United Provinces consider how the particular causes of both nations do importune us both to the undertaking thereof. Who hath been so thirsty of our blood as Spain? and who hath spilled so much of it as he? and who hath been so long our enemy? and who hath corrupted so many of our nation as Spain? and that with help of the gold which by reason of the neglect of this design he doth still enjoy, to attempt our weak ones and our false ones withal. Would you find a traitor of a sudden? Balaam's ass will tell you where; at the Spanish ambassador's door.[1] And when? When they come from mass. And otherwise when too? Even when they treated the match with us. For his malice is so great, he cannot hide it: nor will God I hope suffer it.

Yet let us examine in reason now, if we be so charitable as to forget what is past, whether we may promise ourselves the assurance of his[2] amity for the time to come or not: because peace with a true neighbour is a condition to be embraced. Nothing more certain than the contrary: we cannot promise it. His ambition to the empire, so long as he holdeth the Indies, will never die. The United Provinces are an object which though he hath an eye to, yet he liketh not. What other things we communicate with him in, we shall never be assured of him (such as the nature of his religion) so long as we differ in matters of faith. He knows well enough the peril he stands in if he be attempted by his Majesty and the United Provinces. Consider what suggestions these are to keep him thinking upon, and imagine then what his own heart will prompt him to do when he seeth time for it.

[1] This is the passage which dates the composition of this paper. Lorkin, writing on the 16th of March, 1618–9, to Sir Thomas Puckering, tells the story. "I remember when you were in Spain, I advertised you of a scandalous, libellous book entitled *Balaam's ass*, that was let fall in the gallery at Whitehall, bearing an inscription to the King. One Cotton they suspected, and upon presumption committed to the Tower, where he hath lain ever since. Not many days ago the true author was discovered in a strange fashion. A hungry pursuivant, wanting money and desirous to put himself into some means by work, waited at the Spanish secretary's door, to see if he could light upon a prey. At length came forth one Williams, unknown to him but carrying in his conceit the countenance of a priest. This man he follows, dogging him to his inn." He then relates how "Balaam's ass" with new annotations was discovered upon him, and how he confessed himself the author. *Court & Times of James I.* vol. ii. p. 146. The allusion proves conclusively that the paper was not written *before* the thing happened; and makes it probable that it was not written long after. Such a circumstance would hardly be so referred to, except when the news was fresh.

[2] So H. A has *this*.

Hitherto of the hurts that may be prevented by the enterprise: now of the fitness and honour of it to be an undertaking of his Majesty. He is the greatest islander of Christendom; therefore a navy is most proper to him. He is the Defender of the Faith, as well in understanding, learning, and godliness, as in title. Therefore the planting of the true Church there is a sacred work that even by office as it were belongs to him. He is of a great and liberal mind: the Indies will afford him the means to exercise it.

These considerations and the multitude of his subjects do seem to invite him: and in every part considerable in the design we may find something to persuade us, that seems to be a kind of offer (both in Religion, Policy, and Nature) preferred unto his Majesty as the Prince the fittest for the entertaining of it.

2.

What would have been the end if this advice had been followed at this time no one can pretend to say, further than this—it would have been something very different from what it was. The struggle of the nations would have begun upon another ground, for another stake; and the subsequent history—of the continent of Europe certainly, of England probably,—would have been materially changed. But one reason among others for concluding that the paper was not drawn up at a later date is that the measures taken by the King had already made the course proposed impracticable. Already the Spaniards, besides reviving his hopes of the match by offering to modify their demands on the point of religion, had appealed to another of his weaknesses,—which deserves perhaps a better name. When civilized nations go to war it is always upon pretence of some wrong done or some danger apprehended; and if the pretence be just,—if the wrong has really been done, or if the danger be real which is apprehended,—it should always be possible (provided the parties are justly disposed) to settle the quarrel peaceably by making amends for the one or giving security for the other. When the Bohemian Protestants threw the Government out of the window and established a Directorate, it was on pretence of defending privileges which they had a right to enjoy. When the Emperor of Germany invaded Bohemia, it was to prevent them from using means for redress which they had no right to use. It was clear that some wrong had been done on one side or the other, or on both. It was surely possible to set it right. If the Bohemians had been deprived

of any real privileges, the Emperor might be persuaded to redress the wrong and give them securities against a repetition of it. If the insurrection was really a rebellion against legitimate authority, the insurgents might be persuaded to return to obedience upon receiving redress for the past and security for the future. All that seemed to be wanted was a mediator who was not a party. England was in that position. The Spaniards suggested to James that he should undertake the office. James readily offered his services, and it had been agreed between them before the end of January that he should send an ambassador to Bohemia to treat of this composition; the Spanish ambassador at the Emperor's court giving him what help he could. While the two countries were united in a work like this, it was no time for quarreling. And though the doubts as to the intention of the Spanish naval preparations which followed, and the equipment of a fleet for the Mediterranean, ostensibly to assist Spain in suppressing piracy, which was her pretence,—really to prevent her from attempting less legitimate objects, of which she was suspected,—threatened to interrupt the friendly enterprise they were engaged in, yet she drew back in good time; and in March the special ambassador was despatched upon his mission. But by this time the difficulties of the case had been much increased. The Emperor Matthias died, leaving two prizes to be struggled for,—the imperial crown and the crown of Bohemia,—between parties who had too much at stake to have a chance of agreeing except under compulsion, and too imperfect a knowledge of the balance of forces for either of them to give way to the other without a trial of his strength. Ferdinand, the King designate of Bohemia, would not hear of any cessation of hostilities, unless the Bohemians first gave up all the points in dispute. The Bohemians would not so much as listen to any communication from England, unless it brought promises of support in men or money. Under such circumstances mediation could do nothing, and James's ambassador went to Spa to drink the waters. But the Spaniards had affected to be acting in concert with England throughout the transaction, and though it seems that they had really been supporting the Emperor all the time, with money and promises of men,[1] yet they had carefully avoided all actions which would have justified remonstrance. Bacon's "short view," therefore, whatever the occasion may have been for which he drew it up, had to be put by for the present and wait for another turn in the game.

[1] Gardiner, vol. i. p. 272.

3.

The rest of the correspondence belonging to this year will be found for the most part intelligible enough; being chiefly occupied with reports of the progress of the two great causes which were in hand—the proceedings against the Lord Treasurer for corruption, and against the Dutch merchants for illegal exportation of gold.

TO THE LORD CHANCELLOR.[1]

My honourable Lord,

His Majesty was pleased at the suit of some who have near relation to me to grant a licence for transportation of butter out of Wales unto one Lewis and Williams, who in consideration that the patent should be passed in their names, entered into articles for the performance of certain conditions agreed upon between them, which, now that the patent is under the great seal, they utterly refuse to perform. My desire therefore to your Lordship is, that you would call the said Lewis and Williams before you, with the other parties, or some of them, who shall be ready at all times to attend your Lordship; and out of your consideration of the matter according to equity, to take such course therein, that either this said agreement may be performed, or that they which refuse it may receive no benefit of the patent, which upon reason thereof was passed in their names. And herein I desire your Lordship to make what expedition you can, because now is the season to make provision of the butter that for this year is to be transported, whereof they take advantage to stand out. And so I rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Greenwich, 14 May, 1619.

TO MY VERY LOVING FRIENDS SIR THOMAS LEIGH AND SIR THOMAS PUCKERING, KNIGHTS AND BARONETS.[2]

After my hearty commendations; being informed by the petition of Mr. Thomas Porten, a poor Yorkshireman, of a heavy accident by fire, whereby his house, his wife, and a child, together with all his goods, were utterly burnt and consumed; which misfortune the petitioner suggests (with much eagerness) was occasioned by the wicked practices and conjurations of one John Clarkson of Knowington in the county of Warwick, and

[1] Harl. MSS. 7006, f. 132. Orig. Docketed, "14 May 1619. My Lo. of Buck^m touching the patent of transporting butter out of Wales."

[2] Appendix to Mallet's 'Life of Lord Chancellor Bacon,' 1760, p. 138. "From an original in the Earl of Oxford's Library never before printed."

his daughter (persons of a wandering condition); affirming, for instance, that one Mr. Hailes of Warwick did take from the said Clarkson certain books of conjuration and witchcraft: That the truth of the matter may be rightly known, and that Clarkson and his daughter (if there be ground for it) may answer the law according to the merit of so heinous a fact, I have thought good to wish and desire you to send for Clarkson, and his daughter, and as upon due examination you shall find cause, to take orders for their forthcoming, and answering of the matter at the next assize for the county of York; and also to confer with Mr. Hailes, whether he took from the said Clarkson any such book of conjuration, as the petitioner pretends he did, and to see them in safe custody. Whereupon I desire to be certified how you find the matter; and your doing thereupon. So not doubting of your special care and diligence herein, I bid you heartily farewell, and rest.

Your very loving Friend,

Fr. Verulam. Canc.

York House, May 15, 1619.

Bacon was now, by his position in Council and his favour with the King and Buckingham, a man whose good offices Kings who had business to negotiate thought it worth while to bespeak. An ambassador from Christian IV. King of Denmark, who arrived about this time, was charged with a letter for him, and we are indebted to the industry of Mr. Gardiner for procuring a copy of his reply which is preserved in the Royal Archives at Copenhagen. Letters of this kind can rarely be more than exchanges of compliment and courtesy. But I imagine that the general account here given of the state of affairs in England was a true representation, as far as it goes, of the case as Bacon understood it: and however we may regret that so much of his time had to be spent in labours which were ineffectual because he had not power enough to carry out his own policy, he must have been altogether a different man from what he was—with a different idea of the sort of duty which a subject and servant owed to a sovereign—if he could have thought of withholding at such a crisis such help as he could render, merely because he was not permitted to be as absolute in Council as *we* think he might properly have aspired to be.

SERENISSIMO ET POTENTISSIMO REGI AC DOMINO, DOMINO CHRISTIANO QUARTO, DEI GRATIA DANIÆ, NORVEGIÆ, ETC. REGI, DOMINO SUO CLEMENTISSIMO.[1]

SERENISSIME REX,—Accepi literas Majestatis Vestræ per manus prænobilis viri legati vestri Domini Sinclarii, unde maximas et humillimas gratias ago Serenitati Suæ, quod me memoriâ complecti et literis tam benignis compellare et salutare dignata sit. Ego certe (quando et de hoc ipso quærere ex favore suo sibi placuerit) valetudine utor ad præsens ex morbo non levi recreatâ et corroboratâ, maximaque habeo solatia ex gratiâ Regis mei, sed tamen infinitis urgeor et distrahor negotiis, ut vix respirare aut vivere videor, nisi quod officia vitæ sunt mihi vitâ ipsâ longe potiora. Accedit et luctus recens ac vehemens qui subinde recurrit ex obitu serenessimæ Dominæ meæ Reginæ Annæ, ex cujus favore constanti atque uno tenore erga me semper fluente et cumulato solebam inter tantos negotiorum fluctus me refectum et confirmatum sentire. Meum itaque erit memoriam ejus felicissimam perpetuo colere, atque debitum meum, in quo erga eam mirabiliter astrictus eram, in Serenitatem Vestram transferre, ut si qua in re servitio suo vel consiliis apud regem meum, vel operâ usui esse possint[2] omnia summa cum alacritate et studio præstent.[3] Rex dominus meus convaluit firmiter et constanter . . . corpore . . . rtubus, atque . . indicium certissimum . . . . . internis nobilibus ac vitalibus sanam esse et intactam, quod ex tam periculoso morbo tam subito et sine aliquâ recidivatione sanitatem recuperaverit. Serenissimus princeps Carolus et annis et animis viget jam virilibus, summamque cum amore expectationem de se quotidie excitat. Serenissima Domina Elizabetha Palatina sobolem dabit (si Deo placuerit) in multos principatus, adeo ut omnia apud nos per gratiam et misericordiam divinam sint in statu bono et florenti, atque ex eâ ipsâ parte ex quâ maxime laborare solebamus (hoc est ex re nummariâ) tantum est perfectum per prudentiam et diligentiam Domini Regis, in erroribus inveteratis corrigendis, ut res suæ inde proculdubio capturæ sint magnum incrementum et stabilimentum. Superest ut humillime exosculer manus Majestatis Vestræ. Deum

[1] 'Archæologia,' vol. xli. p. 45. [2] Sic. Qu. *possim*? [3] Sic. Qu. *præstem*?

optimum maximum comprecor ut eandem prosperam et incolumem conservet.

Majestatis Vestræ omni observantiâ
et devotione servus addictissimus
Fr. Verulam, Canc.

Junii 16° 1619.[1]

The favourable account here given of the condition of the finances, or rather perhaps of the prospect of a substantial improvement in their condition, was not a diplomatic fiction. A few weeks before, as we learn from the following note preserved among Sir Julius Cæsar's papers, Bacon had had the satisfaction of reporting to the King a balance in his favour upon the year's accounts.

"On Friday, the 21 May, 1619, the L. Chancellor Verulam told the King, in the presence of George Archbishop of Canterbury, Secretary Nanton, Greville Chancellor of the Exchequer, and Cæsar Master of the Rolls, that his resources and expenses were now equalled for the ordinary, and there was 120,000*l.* now yearly for the extraordinaries; but he prayed it might be taken but as an estimate. Whereupon his Majesty willed us to set it down in writing upon the vouchers' hands in the several places of abatements and increases, for our justification and their charge, if it hold not."[2]

[1] "I have received your Majesty's letters by the hands of your most noble ambassador Lord Sinclair, and return most humble thanks to your serenity for deigning to remember me and to address me in so gracious a letter. For myself (since you are pleased to ask the question) I have newly recovered from a sickness of some severity, and am for the present well. I have also the greatest comfort from the favour of my King: and yet I am so pressed and distracted with infinite businesses that I seem hardly to breathe, or live, only that I regard the duties of life as far more worth than life itself. I have moreover a new and great grief continually recurring for the death of my most serene mistress Queen Anne, from whose constant favour ever flowing and accumulated upon me I was wont to find myself much refreshed and strengthened among such floods of business. Wherefore it will be my part to cherish continually her most happy memory and to transfer to your serenity the debt I owed her, holding myself ready wherever I can be of service to you either by my counsels with the King or by my own help, to render it with all alacrity and zeal. The King my master has made a sound and complete recovery, and there is sure evidence that the condition of the noble and vital inward parts is sound and uninjured, in the restoration of his health from so dangerous an illness so quickly and without relapse. The most serene Prince Charles, now a man both in years and spirits, makes himself daily more and more an object of the greatest expectation and love. The most serene Lady Elizabeth, Princess Palatine, will be the mother, please God, of many princes. So that, by the divine grace and mercy, all things with us are in a good and flourishing condition; and even in that point where we were wont most to labour (I mean the finances) so much has been done by the wisdom and diligence of the King in the correction of inveterate errors, that his affairs will doubtless receive thereby a great improvement and establishment.

It remains for me most humbly to kiss your Majesty's hands" &c.

[2] Lansd. MSS. 165. f. 288. b. Note in Sir J. Cæsar's hand.

The proceedings against the exporters of gold were also in a state of forwardness, and on the 7th of June Bacon told the King that on the next Star-Chamber day "he was like to have a fair wind from the Low-countries."[1]

Sir Thomas Lake and his wife were still in prison under the sentence of the Star-Chamber, pronounced in February; which made an acknowledgment of the offence and an apology to Lady Exeter conditions of their release.[2] Some further light had in the meantime been obtained by the King from Lady Roos, who is said to have made a full confession; but one which did not mend the case for the others: for it was observed that after it was made Sir Thomas was put under closer restraint; "his brother the Bishop (who had taken a house upon Tower Hill) forbidden to come at him;"[3] and his son Arthur committed to the King's Bench for perjury and subornation of perjury.[4]

When required to make his acknowledgment in the Star-Chamber in person, he was too ill to appear, and the King, to whose appointment the time and place was referred, consented to accept a written acknowledgment under the hand of himself and his wife.[5] This was about the 18th of June; and it was probably to the form of this acknowledgment that the next letter refers. There appears however to have been some difficulty which was not got over; for he remained in prison for a month and more; and was then set at liberty "upon his bond of 1000*l.* to appear and present himself when he should be called for."[6]

TO THE MARQUIS OF BUCKINGHAM.[7]

My very good Lord,

Though it be nothing, and all is but duty, yet I pray shew his Majesty the paper inclosed, that his Majesty may see how careful his poor servant is upon every emergent occasion to do

[1] Chamberlain to Carleton, 19 June, 1619.

[2] A letter from Buckingham of which the date has been lost refers to some intermediate stage of the business, but I have not been able to fix the time. It is among the letters in Harl. MSS. 7006. (f. 128) and is docketed by Meautys "My L. Marquis Buck. to your Lordship, touching the submission of Sir Thomas Lake and his Lady:" and is as follows:—"I have presented both the submissions to his Majesty. His answer is, he cannot alter that which was allowed of by the Lords of the last Star-Chamber day, except first they be acquainted with it, and the consent of the lady Exeter be likewise had, because the decree doth necessarily require it. So I rest."

[3] Chamberlain to Carleton 8 May.

[4] *Ib.* 14 May.

[5] *Ib.* June 19 and 26.

[6] *Ib.* 31 July.

[7] Gibson Papers, vol. viii. fo. 108. Original draught. No fly-leaf. Indorsed "June 29, 1619. My Lord to my Lord Marquis, inclosing the form of a declaration used in point of acknowledgement in the Lady Exeter's cause."

him what honour he can. The motion made in court by the King's serjeant Crew,[1] that the declaration mought be made parcel of the record,[2] and that I hear otherwise of the great satisfaction abroad, encourageth me to let his Majesty know what passed.

God ever preserve and prosper you both.

Your Lordship's most obliged friend,
and faithful servant,
FR. VERULAM, Canc.

Toby Matthew was so much interested in the progress of the Great Instauration, and had been so much at Gorhambury during his recent visit to England, that the extent of Bacon's acquaintance with the writings of Galileo could hardly be unknown to him.[3] And from the next letter—which comes conveniently to remind us of what we are in danger of forgetting amid this press of civil and political business,—namely, that the inauguration of the "Kingdom of Man" was still in Bacon's eyes the greatest business which he had in charge—we may probably infer that it was limited to a knowledge of the telescopic discoveries announced in the *Sidereus Nuncius* in 1611. Of these we know from the *Descriptio Globi Intellectualis* that he had received early intelligence and entertained great hopes: so great that when year after year passed away without bringing any more news of importance from those regions, he began to doubt whether the instruments and observers were altogether to be relied upon.[4] But I am not aware of any evidence that he was at this time acquainted with any of Galileo's other writings. This answer to Bacon's discourse concerning the Flux and Reflux of the Sea may have been a copy of his letter to Cardinal Orsino, dated 1616, in which, according to Mr. Ellis, his own theory was originally propounded;[5] and in which the error here mentioned as to the interval

[1] Sir Randolph Crew, made Chief Justice of the King's Bench, January 28, 1624.

[2] I have not met with this paper. But I find in Stephens's catalogue, under the head of "Charges, Speeches, and Papers of a mixed argument," the following entry. "29 Jun., 1619. Notes upon his Majesty's declaring himself touching the Lady Exeter's cause;" which seems like a description of it.

[3] Among the letters entered in Stephens's catalogue but not found, there are two from Toby Matthew, one dated 1 October, 1615; beginning "after some years silence"—and described as "a compliment, with some account of a conference with Galileo:" the other dated 21 April, 1616, beginning "The notice I have," and described as "sent with one enclosed to the Archbishop, touching his case and a piece of a letter of Galileo's about the text in Joshua of the sun standing still."

[4] Nov. Org. book ii. Aph. 39. Works, vol. i. p. 308.

[5] Works, iii. p. 44.

between high and low water was contained. It was not an error of inadvertence. For he noticed the "opinion" that (speaking generally) the interval was six hours, but noticed it only to condemn it as a delusion; which seems strange, seeing that there could never have been two opinions as to the fact among persons competent to speak to it. Whether Mr. White succeeded in inducing him to make the required correction and reconcile his theory to it, I do not know. But if he did, Bacon had not heard of it when the Novum Organum was published.[1] The attempt to explain the causes of the tides was not very fortunate on either side. Galileo rejected the influence of the moon; and referred the reciprocating action of the waters to mechanical causes which it is now known could not, even upon his own supposition, have produced it:[2] and Bacon's chief objection to his theory was that it assumed the rotation of the earth. The other works mentioned in this letter may have influenced Bacon in his later inquiries concerning the composition of metals, and the weighing of bodies in water; but I do not remember any direct allusion to them.

TO THE LORD CHANCELLOR.[3]

Most honourable Lord,

It may please your Lordship, there was with me this day one Mr. Richard White, who hath spent some little time at Florence, and is now gone into England. He tells me, that Galileo had answered your discourse concerning the flux and reflux of the sea, and was sending it unto me; but that Mr. White hindered him, because his answer was grounded upon a false supposition, namely, that there was in the ocean a full sea but once in twenty-four hours. But now I will call upon Galileo again. This Mr. White is a discreet and understanding gentleman, though he seem a little soft, if not slow; and he hath in his hands all the works, as I take it, of Galileo, some printed, and some unprinted. He hath his discourse of the flux and reflux of the sea, which was never printed; as also a discourse of the mixture of metals. Those which are printed in his hand are these: the *Nuncius sidereus;* the *Macchie solari*, and a third *Delle Cose, che stanno su l'acqua*, by occasion of a disputation that was amongst learned men in Florence about that which Archimedes wrote *de insidentibus humido.*

I have conceived that your Lordship would not be sorry to see these discourses of that man, and therefore I have thought it belonging to my

[1] N. O. lib. ii. Aph. 46.

[2] Works, iii. p. 44.

[3] Gibson Papers, vol. viii. f. 103. Indorsed "Concerning Signr. Galileo" and docketed (I think by Meautys) "July 4, 1619"—from which I infer that this was the letter which Mr. White brought, and that though written on the 4th of April it was not delivered till the 4th of July.

service to your Lordship to give him a letter of this date, though it will not be there as soon as this.[1] The gentleman hath no pretence or business before your Lordship, but is willing to do your Lordship all humble service; and therefore, both for this reason, as also upon my humble request, I beseech your Lordship to bestow a countenance of grace upon him. I am beholden to the gentleman; and, if your Lordship shall vouchsafe to ask him of me, I shall receive honour by it. And I most humbly do your Lordship reverence.

Your Lordship's most obliged servant,

TOBIE MATTHEW.

Brussels, from my bed, the 4th of April, 1619.

TO THE MARQUIS OF BUCKINGHAM.[2]

My very good Lord,

I purposed to have seen you to day, and received your commandments before the progress. But I came not to London till it was late, and found you were gone before I came. Nevertheless I would not fail to let your Lordship understand, that as I find every day more and more occasions whereby you bind me to you, so this morning the King of himself did tell me some testimony that your Lordship gave of me to his Majesty even now when you went from him, of so great affection and commendation (for I must ascribe your commendation to affection, being above my merit) as I must do contrary to that that painters do; for they desire to make the picture to the life, and I must endeavour to make the life to the picture, it hath pleased you to make so honourable a description of me. I can be but your's, and desire to better myself, that I may be of more worth to such an owner. I hope to give the King a good account of my time this vacation.

If your Lordship pass back by London, I desire to wait on you, and discourse a little with you: if not, my prayers shall go progress with you, and my letters attend you as occasion serveth.

God ever preserve and prosper you.

Your Lordship's most obliged friend,
and faithful servant,
FR. VERULAM, Canc.

July 19, 1619.

[1] This one appears by the docket to have reached Bacon on the 4th of July.
[2] Gibson Papers, vol. viii. fo. 109. Copy by Meautys.

The business with the Commissioners for the States of the United Provinces was now concluded: in which however I do not find that Bacon had had any part. Digby was thought to be the man who really managed the negotiation on the part of England. And they parted on very friendly terms.

"Your States (says Chamberlain 15th July, 1619) are upon their departure, being solemnly feasted this day for a farewell at Merchant Taylors' Hall, and yesterday they took their leave of the King at Theobalds, where they were likewise feasted, and as I hear three of them knighted, and besides a present to four of them of 500 ounces of plate a piece."

They took with them the following letter from Bacon to the States General.

MISSIVE VAN DEN KANSELIER FR. VERULAM TE LONDEN AAN DE STAATEN GENERAAL.

Dat. 20 July.
Rec. 10 Augustus, } 1619.[1]

Messieurs,

J'ay bien voulu sur le retour de Sieurs de Yoch, Van der Dussen, et Liens, gentilshommes discrets et bien qualifiez, vous saluer par mes letteres, tant pour m'acquitter en vostre endroict, ayant esgard à vos lettres, dont il vous a pleu m'honorer à leur venue par de ça; qu' aussi pour vous declarer que je serai tousjours prest, sur les occasions que s'en présenteront d'exprimer la bonne volontè, que j'ay par mes conseilles aupres de sa Ma^te^ et tous autres bons offices, d'entretenir et nourrir la bonne amitié et correspondence entre le Roy mon soverain, et vostre repub., fondant mon jugement sur l'esperance, que raisons d'estat seront assez fortes pour accomoder les differents, que pourront entrevenir sur le point de profit. Et ce n'estant a autre fin. Et je prieray Dieu, Messieurs, de vous tenir en sa sainte guarde.

Vostre très-affectionne amy
à vous servir,
(get:) FR. VERULAM, Canc.

De ma Maison de York. Londres.
le 20 de Jul. 1619.

[1] Additional MSS. 17,677, I. f. 433. No. 143.

The "volume" referred to in the next letter appears to have been one of two about which the Bishop of Bangor (Dr. Lewis Bayly, author of the "Practice of Piety") got into trouble about this time. But I do not know what the subject was, or the charge. The other book—"the great one"—was under examination in the beginning of February following. See Bacon's letter to Secretary Calvert, 5 February 1619.

To the Marquis of Buckingham.[1]

My very good Lord,

I send his Majesty a volume of my Lord of Bangor's and my Lord Sheffield, whereof I spake when I left his Majesty at Theobald's. His Majesty may be pleased at his own good time and pleasure to cast his eye upon it. I purpose at my coming to London to confer with the Chief Justice as his Majesty appointed; and to put the business of the pursuivants[2] in a way, which I think will be best by a commission of Oyer and Terminer; for the Star Chamber (without confession) is long seas. I should advise that this point of the pursuivants were not single, but that it be coupled in the commission with the offences of keepers of prisons hereabouts, it[3] hath a great affinity; for pursuivants are but ambulatory keepers, and it works upon the same party (of the papists). And it is that wherein many of his Majesty's and the Council's severe charges have been hitherto unfruitful: and it doth a great deal of mischief. I have some other reasons for it. But of this it will be fittest to advertise more particularly what I have resolved of on advice, upon conference with the Chief Justice. I am wonderful glad to hear of the King's good health. God preserve his Majesty and your Lordship. I ever rest

Your Lordship's most obliged
friend and faithful servant,
Fr. Verulam, Canc.

Gorhambury, this last
of July, 1619.

[1] Stephens's first collection, p. 240. From the original.
[2] Probably the cases formerly selected for example. See vol. vi. p. 378.
[3] So in printed copy.

GORHAMBURY, 3D. AUG. 1619.

LORD CHANCELLOR VERULAM TO MY LORD WARDEN OF THE CINQUE PORTS.[1]

Whereas there are process gone out at Mr. Attorney General's prayer against Hugh Higginson and Josias Ente, concerning the business against the Dutchmen in the Star Chamber; out of a desire to preserve the ancient privileges and customs of your place, not to serve such process within your jurisdiction without your leave and consent, I thought good hereby to desire your L. for his M. service that you would cause them forthwith to be sent up to answer Mr. Attorney's Bill, and abide such further proceedings as the case shall require.

The next letter, as I gather from the answer, p. 41, enclosed one for the King, containing good news of some kind; perhaps relating to the cause against the Dutch merchants, perhaps about the state of the revenue. I have not met with any of this date answering the description.

TO THE MARQUIS OF BUCKINGHAM.[2]

My very good Lord,

This day according to the first appointment I thought to have waited upon his Majesty and to have given him an account of my cares and preparations for his service, which is my progress. And therefore since his coming to Windsor is prolonged, I thought to keep day by letter, praying your Lordship to commend my most humble service to his Majesty, and to let him know that since I see his Majesty doth me the honour as to rely upon my care and service, I leese no time in that which may pertain thereunto. I see the straits, and I see the way out. And what lieth in one man whom he hath made great

[1] S. P. Dom. James I. vol. cx. no. 10. Docketed "3d Aug. 1619. My L. Chancellor to the Lord Warden of the Cinque Ports.
Process ought not to be served out of the Chancery without leave of the Warden."
A copy: modern, I think; from an original.

[2] Gibson Papers, vol. viii. fo. 100. Copy by Meautys. No fly-leaf. Indorsed "To Lo. Marq. Buckingham."

and trained, shall not be wanting. And I hope, if God give me life for a year or two, to give his Majesty cause to think of me seven years after I am dead. I am glad the time approacheth, when I shall have the happiness to kiss his Majesty's hands and to embrace your Lordship, ever resting

Your Lordship's most obliged friend,
and faithful servant,
Fr. Verulam, Canc.

York house, Aug.
28, 1619.

To the Lord Chancellor.[1]

My honourable Lord,

Your Lordship hath sent so good news unto his Majesty, that I could have wished you had been the reporter of it yourself; but seeing you came not, I cannot but give you thanks for employing me in the delivering of that which pleased his Majesty so well, whereof he will put your Lordship in mind when he seeth you. I am glad we are come so near together, and hoping to see you at Windsor, I rest

Your Lordship's faithful friend and servant,
G. Buckingham.

Easthampsted the
29th Aug. 1619.

1

4.

The new turn in the Bohemian question was not long in coming; and it is much to be regretted that the view which Bacon took of it at the time cannot now be ascertained. The fact however that his advice was offered, and (whether followed or not) was at least respectfully considered, is itself worthy of notice; the rather because it may possibly lead to the recovery of certain missing papers; which may have been only mislaid; but if separated from the rest of the collection would not be easily recognised as his.

The case upon which he had now to advise was very critical and difficult. The Bohemian quarrel had hitherto concerned England only as it affected the progress of the reformed religion and the peace and prosperity of Europe. She had as yet no separate or selfish interest in the issue. But she was now about to be drawn into the game, by no fault of her own, under very inconvenient conditions. On the 10th of March 1619, by the death of the Emperor

[1] Harl. MSS. 7006. Orig. Docketed "My Lo. of Buck^m to y^r Lp."

Matthias, Ferdinand of Styria had succeeded, in virtue of a previous election, to the crown of Bohemia. On the 16th of August—two days before he was unanimously elected Emperor of Germany—the States of Bohemia deposed him, and elected in his stead Frederick the Count Palatine of the Rhine, head of the Protestant Union, and James's son-in-law; expecting of course that he would bring the strength of England with him. The English people were delighted at this triumph of Protestantism in the person of the husband of their favourite Princess, and would have rushed to his support at once. But James had always disapproved on principle of rebellion and usurpation; and not being ready to throw his principles overboard merely because the offender was his own son-in-law, he was far from being ambitious for him of the offered dignity. He had not yet satisfied himself that the revolt against Matthias was justifiable; and now they had taken upon themselves to depose the new King, who held his title by their own election, and to offer the throne to a stranger. Such a proceeding was contrary on the face of it to all his ideas of what was legitimate as between subjects and kings, and would have been enough of itself to deter him from becoming accessory, though after the fact. But even if he had seen no overruling objection to the proposal in point of principle, a man so full of thoughts and apprehensions could hardly be blind to the hazards in point of policy. In accepting the Bohemian crown, Frederick involved himself in a war against the Emperor, who already (as James knew by the report of his own ambassador) counted victory certain. He had had no experience in war; nor had he ever shown any genius for command. He had no general of tried ability under him. He had neither men nor money enough for the work; and yet he was not a man who had nothing to lose, for his own Palatinate was by its position particularly vulnerable. He would be a stranger in his own kingdom; his councillors, his nobility, and his people alike unknown to him. How many, or whether any, of the other Protestant princes of Germany would affront the Emperor by helping him, no one could tell. The virtues which subsequent trial proved him to possess—spirit, courage, a religious faith in the sanctity of his cause, and an almost heroic incapacity to believe it lost—he had not yet given proof of. Altogether it had the look of an unhopeful enterprise; and though we may not appeal to the event for proof that it would have been unfortunate had England entered into it with all her heart (because the event might in that case have been different), it was plain to dispassionate observers, though fully sympathising with the popular

wishes, that England was not in a sufficiently commanding position to make the difference great. Writing on the 11th of September, Chamberlain says to Carleton—

"We hear that the Palsgrave is crowned King of Bohemia, so that there is now no place left for deliberation, nor for mediation of peace, till one side be utterly ruined. God send him good success; but surely it was a venturous part, and likely to set all Christendom by the ears. The world thinks it was a plot of the Prince of Orange and the Duke of Bouillon to draw in our King *nolens volens*: but how he is every way provided for such a business you know, or may easily guess."[1]

Such was the case upon which Frederick now sent to ask his father-in-law's advice. His ambassador delivered his message to him on the 3rd of September; overtaking him at Bagshot, on his way to Windsor; where (according to Camden[2]) he arrived the same day. His answer at the moment was that "he would consider of it." At Windsor he was to see Bacon; and it appears by the next letter that he had a "discourse" with him there, of an important character, though on what particular subject we are not informed, which was followed within a day or two by a letter (addressed to Buckingham apparently on the 8th) of "advice touching the business of Bohemia." On the 10th, a full account of all the past negotiations was laid before the Council by the King's command; and the Board was preparing to deliberate upon the advice which they should offer, when the discussion was interrupted by news that Frederick had made his choice and elected to accept the Bohemian crown.

This letter of Bacon's has not been preserved, and all we know of it is gathered from Buckingham's answer, as explained by the docket, which Stephens (who first printed the letter) seems to have overlooked; though without it we should not know that the King had consulted Bacon about the Bohemian question at all. Both letter and docket are here taken from the original—now in the British Museum.

To the Lord Chancellor.[3]

My honourable Lord,

As I was reading your Lordship's letter, his Majesty came, and took it out of my hands, when he knew from whom it came, before I could read the paper enclosed; and told me that you had done like a wise counsellor:

[1] S. P. 11 Sept. 1619. [2] Annal. App.

[3] Harl. MSS. 7006. Original. Docketed by Meautys, "My L. of Buck^m to y^r Lp., signifying his M. well taking of your advice touching the business of Bohemia."

first setting down the state of the question, and then propounding the difficulties, the rest being to be done in its own time.

I am glad of this occasion of writing to your Lordship, that I may now let your Lordship understand his Majesty's good conceit and acceptation of your service upon your discourse with him at Windsor, which though I heard not myself, yet I heard his Majesty much commend it both for the method and the affection you shewed therein to his affairs, in such earnest manner as if you made it your only study and care to advance his Majesty's service. And so I rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Wanstead, 9 Sept. 1619.

The advice enclosed in this letter, whatever it was, must have been addressed to the question how the offer made by the Bohemian Directorate should be *entertained*. The subsequent announcement that Frederick had decided to accept it altered the case: and there were those who, regarding it merely as a question of expediency, thought that (the struggle of the nations being now unavoidable) it was the policy of England to be first in the field.[1]

But to the King political expediency was not the whole matter; or, if it was, political morality was part of it. While the question was only how best to dissuade Frederick from a rash resolution, the concurrence of the Council (if he could obtain it) would add great weight to the advice he had to offer. Now that it had become a question of committing England to the approval and support of a cause which in point of justice he held to be at least doubtful, he wanted no advice; and summoned the Council again only to hear his determination. In the absence of any authentic report of the proceeding, an extract of a letter written a few days after, which I find among Dr. Birch's historical collections, gives an account of it which is probably as trustworthy as any, though the writer's name is not stated.

"There was another meeting of the Council appointed on Sunday at Wanstead to resolve about the manner of his Majesty's carriage and proceedings in this business, whether he should engage himself unto the said

[1] A few days before Frederick's decision was announced, Sir Dudley Carleton wrote to Naunton from the Hague:—"I find it by most concluded that since the revolutions of the world will in all likelihood, before many days pass over our heads, forcibly carry us out of this peaceable time, it is better to begin the change with advantage than with disadvantage, and if the Bohemians be suffered to be oppressed, the consequences of their loss will fall upon their neighbours, whose defence is like to cost as much blood with much less fruit than this acquisition." *Relations between England and Germany*. Camd. Soc., 2nd ser., p. 7.

King's assistance or no, and with what means. But his Majesty perceiving that the Council's inclinations tended to the affirmative (which was against his own), he prevented their advices; being come himself to the Board with a plain declaration that he would not engage himself unto the quarrel afore he were satisfied of the justice of the States of Bohemia's proceeding in renouncing of Ferdinand, whom they had formerly chosen for their King. Besides that he said the business did not require such a haste of his resolutions, seeing that the winter was so near at hand, during which there could be nothing done, etc. Upon which speech of his Majesty's all the Board remained mute, there being but very few among them that had other affections than to favour the lively embracing of the cause, both for the common good of the religion and for the particular honour and interest of this State. And it is a great heart's grief to many that so glorious and brave an occasion should be no better entertained by us, and that noble Prince no better seconded in his generous proceeding. Yet will I not deny but that some very good judgments do with very plausible reasons justify his Majesty's present forbearance, in that if upon this first advertisement he should break forth into an open declaration and assistance of the new King, he should not only belie all the former actions and professions of his life, whereby he hath gotten the reputation and title of a peace-maker of Christendom:—seeing that it would presently cast the imputation upon him of having been the author and abettor of that enterprise of his son-in-law;—but also would be likely to stir up the other Catholic princes, as France and others, to the defence of the other party, as being a mere quarrel of Religion: whereas by this his Majesty's reservedness it is supposed they will be contented and glad perhaps to see the new greatness of Ferdinand contested by that of the new King of Bohemia. With these discourses we must comfort ourselves when we cannot better help it."[1]

Upon the question of policy there would no doubt be room for much dispute. But James's position I take to have been simply this: throughout all these troubles, in all his promises of assistance and co-operation, to whatever party, he had distinctly explained that he would have nothing to do with any unjust aggression upon the rights of others. Whether the acceptance of the Bohemian Crown by Frederick was or was not an unjust aggression upon the rights of Ferdinand, depended upon the legal validity of his election; and the first thing to be done was to ascertain whether it was legally valid or not. And this was the substance of the answer which he sent him.

Whether Bacon was supposed to share the feeling of the majority of the Council, no news-writer of the time informs us. But it may be that evidence still exists and will yet be discovered. For if I am right

[1] Add. MSS., 4176, f. 262.

in supposing that Stephens's catalogue was copied from one which we know that Tenison was making in December, 1682, of the contents of the boxes which he received from the executor of the executor of Sir Thomas Meautys,[1] it follows that there were at that time in those boxes some papers of Bacon's relating to this question at this stage of it; and though the great bulk of the papers described in that catalogue went ultimately into the Lambeth library, there were certainly some which found their way into other collections. Those which bear upon this question are thus described.

"Some papers relating to the Count Palatine's attempt upon the kingdom of Bohemia. [The particulars are]:

"The effect of what his Majesty imparted to the Council touching that affair: some questions of information drawn upon this by my L. Bacon.

"A memorial of what passed between the Spanish agent and my L. Bacon on that subject."

If any collector is in possession of papers answering this description, or any explorer of collections has the luck to meet with them, I hope the fact will be made known. They would probably throw valuable light upon this critical passage in our history and upon the views both of Bacon and the King. I have looked for them myself in vain both at Lambeth and in the British Museum. But the best indexes and catalogues must always leave many things of this kind to be discovered by chance.

5.

We now return to home matters again, and the sequel of the "good news" which had been crossed by this unwelcome interruption.

To the Lord Chancellor.[2]

My honourable Lord,

His Majesty upon a petition delivered by Mr. Thomas Digby, wherein he complaineth of great wrongs done unto him, hath been pleased for his more speedy relief and redress (if it prove as he alledgeth) to refer the consideration thereof unto your Lordship. And because he is a gentleman whom I have long known and loved, I could not but add my desire to your Lordship that if you find he hath been wronged you would do him

[1] See vol. ii., p. 2.

[2] Harl. MSS. 7006, f. 140. Original. Docketed "My Lo. of Buckm to your Lp. touching Mr. Digby."

so much favour as to give him such remedy as the equity of his case may require. For which I will ever rest

Your Lordship's faithful friend and servant,

G. Buckingham.

Royston, Octob. 8, 1619.

The matter to which the next letter relates was connected with the case of the Dutch merchants, but not part of the case itself. It was a charge made against certain of the persons implicated, "for going about to corrupt certain witnesses that had deposed against them touching the transportation of gold, and seeking by indirect means to make them retract what they had said and witnessed,"[1] for which it was proposed to proceed against them *ore tenus* in the Star Chamber.

To the Marquis of Buckingham.[2]

My very good Lord,

I think it my duty to let his Majesty know what I find in this cause of the *Ore tenus*. For as his Majesty hath good experience that when his business comes upon the stage I carry it with strength and resolution, so in the proceedings I love to be wary and considerate.

I wrote to your Lordship by my last, that I hoped by the care I had taken the business would go well, but without that care I was sure it would not go well. This I meant because I had had conference with the two Chief Justices, Sir Edward Cooke being present, and handled the matter so that not without much ado I left both the Chief Justices firm to the cause and satisfied.

But calling to mind that in the main business, notwithstanding I and the Chief Justices went one way, yet the day was not good (and I would be loth to see more of such days), I am not without some apprehension. For though we have Sir Edward Cooke earnest and forward, insomuch as he advised the *Ore tenus* before I knew it at Wanstead, and now bound the Dutchmen over to the Star Chamber, before I was made privy; unto both which proceedings I did nevertheless give approbation: yet if there should be either the major part of the votes the other

[1] Chamberlain to Carleton, 16 Oct. 1619.

[2] Stephens's first collection, p. 241, from the original Second collection, p. 97.

way, or any main distraction, though we bear it through, I should think it a matter full of inconvenience. But that which gives me most to think, is the carriage of Mr. Attorney, which sorteth neither with the business nor with himself: for, as I hear from divers and partly perceive, he is fallen from earnest to be cool and faint. Which weakness, if it should make the like alteration at the bar, it mought overthrow the cause. All the remedy which is in my power, is by the advice of the Judges to draw some other of the learned counsel to his help; which he I know is unwilling with, but that is all one.

This I thought it necessary to write, lest the King should think me asleep, and because I know that his Majesty's judgment is far better than mine. But I for my part mean to go on roundly; and so I ever rest

Your Lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

9th Octob. 1619.

If the King in his great wisdom should any ways incline to have the *Ore tenus* put off, then the way were to command that the matter of the *Ore tenus* should be given in evidence, by way of aggravation in the main cause. And it is true, that if this precursory matter goeth well, it giveth great entrance into the main cause; if ill, contrariwise, it will do hurt and disadvantage to the main.

The first paragraph of the next letter seems to convey the King's answer to the last, and to be a direction to proceed with the *ore tenus*. The last paragraph, taken in connexion with the docket, seems to imply that Bacon had written to Buckingham about Suffolk's case. If so, the letter appears to have been lost.

TO THE LORD CHANCELLOR.[1]

My honourable Lord,

I have acquainted his Majesty with your letter, who hath given order to Mr. Secretary Calvert, to signify his pleasure for the proceeding in that

[1] Harl. MSS. 7006, f. 144. Orig. Docketed by Meautys, "10 Oct. 1619, My Lo. of B. to yr Lp. Shewing his Majesty's acceptation of your Lordship's care, in particular in the business against the Earl of Suffolk."
Beneath is written in Bacon's own hand, "Causes of greatness in publick Justice. Select."

business whereof you write without any further delay, as your Lordship will more fully understand by Mr. Secretary, who for that purpose is to return to London against the day of hearing.

I have no answer to make to your former letter, and will add no more to this, but that his Majesty hath a great confidence in your care of his service. And so I rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Royston, Oct. 10, 1619.

On the 13th October, the first Star Chamber day of the term, the *Ore tenus* proceeding took place. There were three persons informed against—Courteen, Burlamachi, and another Dutchman,—and the result, to which the next letter refers, is thus stated by Chamberlain:—

"How well this misdemeanour was urged and proved against them, or how well they answered for themselves, I have heard diversely reported and were long to relate; but in conclusion they were all censured to imprisonment during the King's pleasure, and Courteen fined at 2000*l.* Burlamachi (after much commendation otherwise and many good words from the Earl of Arundel and others) at 2000 marks, and the third at 500*l.* But all this is nothing to the main matter that is threatened to hang over their heads."[1]

TO THE LORD CHANCELLOR.[2]

My honourable Lord,

The news of this victory hath so well pleased his Majesty, that he giveth thanks to all; and I among the rest, who had no other part but the delivering of the letter, had my part of his good acceptation, which he would have rewarded after the Roman fashion with every man a garland, if it had been now in use. But after the fashion of his gracious goodness, he giveth your Lordship thanks: and would have you deliver the like in his Majesty's name to Sir Edward Coke and the Judges. Your news which came the first gave his Majesty a very good breakfast, and I hope his health will be the better after it.

Your Lordship's faithful friend and servant,

14 Oct. G. BUCKINGHAM.

6.

The next business was the case of the Earl of Suffolk, which was to be despatched before the main cause against the Dutch was pro-

[1] Chamberlain to Carleton, 16 Oct. 1619.

[2] Harl. MSS. 7006. Orig. Docketed by Meautys "14 Oct. 1619. My Lo .of Buck^m to your Lp. in his own handwriting signifying his M. acceptation of the care and success in the *ore tenus* against the Dutch."

ceeded with, and is the subject of all the letters which follow in this section, if we except two or three from Buckingham in behalf of suitors; which are of no interest, so far as I know, and are inserted in their places only to make the collection complete.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

After my last letter yesterday, we entered into conference touching the Suffolk cause, myself, and the two commissioners, and the two Chief Justices.

The fruit of this conference is, That we all conceive the proceedings against my Lord himself to be not only just and honourable, but in some principal parts plausible in regard of the public; as namely, those three points, which touch upon the ordnance, the army of Ireland, and the money of the cautionary towns; and the two Chief Justices are firm in it.

I did also in this cause, by the assent of my Lords, remove a part. For Mr. Attorney had laid it upon Serjeant Davies to open the information, which is that which gives much life or coldness to the cause. But I will have none but trained men in this cause; and I cannot forget that the allotting of the opening of the information in this cause of the Dutch (I mean the main cause) to a mean fellow, one Hughes, did hurt, and was never well recovered. By my next I will write of the King's estate: and I ever rest

Your Lordship's most obliged friend
and faithful servant,
FR. V.

Oct 14, 1619.

TO THE MARQUIS OF BUCKINGHAM.[2]

My very good Lord,

This morning the Duke came to me, and told me the King's cause was yesterday left fair; and if ever there were a time for

[1] Gibson Papers, vol. viii. f. 111. Copy.
[2] Gibson Papers, vol. viii. f. 112. Copy. No fly-leaf. Indorsed, "A copy of yor Lp's letter to D. of Buck. Octo. 21. Sent by Portington."

my Lord of Suffolk's submission, it was now; and that if my Lord of Suffolk should come into the court and openly acknowledge his delinquency, he thought it was a thing considerable.

My answer was, I would not meddle in it; and if I did, it must be to dissuade any such course; for that all would be but a play upon the stage, if justice went not on in the right course.

This I thought it my duty to let the King know by your Lordship.

I cannot express the care I have had of this cause in a number of circumstances and discretions, which though they may seem but small matters, yet they do the business, and guide it right. God ever keep your Lordship.

Your Lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

21 October, 1619.

To the Marquis of Buckingham.[1]

My very good Lord,

These things which I write now and heretofore in this cause, I do not write so as any can take knowledge that I write; but I dispatch things *ex officio* here, and yet think it fit inwardly to advertise the King what doth occur. And I do assure your Lordship, that if I did serve any King whom I did not think far away wiser than myself, I would not write in the midst of business, but go on of myself.

This morning, notwithstanding my speech yesterday with the Duke, he delivered this letter inclosed, and I having cleared the room of all save the court and learned counsel (whom I required to stay) the letter was read a little before our hour of sitting.

When it was read, Mr. Attorney began to move, that my Lord should not acknowledge his offences as he conceived he had committed them, but as they were charged; and some of the Lords speaking to that point, I thought fit to interrupt and divert that kind of question; and said, before we considered of

[1] Stephens's first collection, p. 243, from the original. Second collection, p. 99. There is a copy by one of Bacon's men among the Gibson Papers (vol. viii. f. 241), but part of the leaf is torn off. The fly-leaf also is gone, but it is indorsed "To Buck. enclosing Ld. Suffolk's letter of submission to his M. grace and mercy."

the extent of my Lord's submission, we were first to consider of the extent of our own duty and power; for that I conceived it was neither fit for us to stay proceeding, nor to move his Majesty in that which was before us in course of justice. Unto which (being once propounded by me) all the Lords and the rest *una voce* assented. I would not so much as ask the question, whether, though we proceeded, I should send the letter to his Majesty, because I would not straiten his Majesty in anything.

The evidence went well, (I will not say I sometime holp it, as far as was fit for a judge) and at the arising of the court, I moved their Lordships openly whether they would not continue this cause from day to day till it were ended; which they thought not fit, in regard of the general justice, which would be delayed in all courts. Yet afterwards within I prevailed so far, as we have appointed to sit Wednesday, Thursday, and Friday, and to sit by eight of the clock, and so to dispatch it before the King come, if we can. God preserve and prosper you. I ever rest

Your Lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

This 22th of October, Friday at
4 of the clock, 1619.

To THE LORD CHANCELLOR.[1]

My honourable Lord,

I have received your letters by both your servants, and have acquainted his Majesty with them, who is exceedingly pleased with the course you have held in the Earl of Suffolk's business, and holdeth himself so much the more beholding to you, because you sent the letter of your own motion without order or consent of the Lords, whereby his Majesty is not tied to an answer. His Majesty hath understood by many how worthily your Lordship hath carried yourself both in this and the Dutch business, for which he hath commanded me to give you thanks in his name, and seeth your care to be so great in all things that concern his service, that he cannot but much rejoice in the trust of such a servant, which is no less comfort to

Your Lordship's faithful friend and servant,
G. BUCKINGHAM.

Royston, the 23 of October.

[1] Harl. MSS. 7006. Orig. Docketed by Meautys, "Oct. 23, 1619. My Lo. of Buck. to your Lp. enclosing a letter of submission from my Lo. of Suffolk." There seems here to be some mistake, unless Buckingham returned in this letter the submission which Bacon had sent the day before; if not, Meautys must have meant to write "in answer to your Lp's letter, enclosing," etc.

To the Lord Chancellor.[1]

My honourable Lord,

This bearer, a Frenchman belonging to the Embassador, having put an Englishman in suit for some matters between them, is much hindered and molested by often removing of the cause from one court to another. Your Lordship knows that the French are not acquainted with our manner of proceedings in the law, and must therefore be ignorant of the remedy in such a case. His course was to his Majesty; but I thought it more proper that your Lordship would be pleased to hear and understand his case from himself, and then to advise and take order for his relief as your Lordship in your wisdom shall think fit. So commending him to your honourable favour, I rest

Your Lordship's faithful friend and servant,

G. Buckingham.

Royston, 27 of October, 1619.

Your Lordship shall do well to be informed of every particular, because his Majesty will have account of it at his coming.

G. Buckingham.

To the Marquis of Buckingham.[2]

My very good Lord,

I am doubly bounden to the King for his Majesty's trust and acceptation; whereof the one I will never deceive; the other though I cannot deserve, yet I will do my best, and perhaps as much as another man.

This day the evidence went well, for the Solicitor did his part substantially: and a little to warm the business, when the misemployment of treasure which had relation to the army of Ireland was handled, I spake a word, that he that did draw or milk treasure from Ireland, did not, *emulgere*, milk money but blood. But this is but one of the little things that I wrote of before.

The King (under pardon) must come hither with two resolutions. The one, to remit all importunity touching this cause to the Lords in course of justice. The other, to pursue the designs

[1] Harl. MSS. 7006, f. 148. Orig. Docketed by Meautys, "27 Octob. 1619. My Lo. of Bucking^m^ to your Lp. signifying his Ma^ty^'s pleasure for the despatch of a Frenchman to have a suit in Chanc."

[2] Gibson Papers, vol. viii. f. 113. Copy by Meautys. No fly-leaf: endorsed "To M. Buck. touching the proceedings in Star Chamber in Earl Suffolk's business."

first taken at Windsor and then at Hampton Court for his commission of treasury: wherein I do my part, and it is reasonable well; but better would it be, if instruments were not impediments. I ever rest

Your Lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

27 Oct. Wednesday.

Friday will not end the business; for to-morrow will but go thorough with the King's evidence.

TO THE LORD CHANCELLOR.[1]

My honourable Lord,

Since I wrote unto your Lordship in the behalf of Mr. Garrard, I have been informed so much of the case of the other side (as this enclosed paper will let your Lordship know) that it deserveth in all appearance much commiseration—and therefore must I recall any assistance my former letters sought to give him, and desire your Lordship to favour for my sake what you may the poor gentlewoman in her suit.

Your Lordship's faithful friend and servant,
G. BUCKINGHAM.

TO THE LORD CHANCELLOR.[2]

My very good Lord,

I have already moved you in favour of Mrs. Garrett, whose cause, though I esteem safe in your justice, yet deserves I should again witness my care and well-wishing of it. Your Lordship shall I hope find it as well worthy of your compassion and respect; which I will then entreat of you with the same earnestness the poor gentlewoman now desires them. To whose hearty prayers which thereby your Lordship shall undoubtedly purchase, give me I pray leave to add the most affectionate thanks of

Your Lordship's faithful servant,
G. BUCKINGHAM.

[1] Tanner MSS. 74, f. 231. Orig. Docketed "Oct. 29, 1619. The Lo. Marq[s] Buck[m] to your Lp. on the behalf of one Mrs. Garrard."

[2] Tanner MSS. 74, f. 229. Orig. Docketed "The Marq[s] of Buck[m] to your Lp. in the behalf of Mrs. Garrett." No date.

To the Marquis of Buckingham.[1]

My very good Lord,

My Lord of Suffolk's cause is this day sentenced. My Lord and his Lady fined together at 30,000*l.* with imprisonment in the Tower at their own charges. Bingley at 2000*l.* and committed to the Fleet. Sir Edward Cooke did his part, I have not heard him do better, and began with a fine of an 100,000*l.* but the Judges first, and most of the rest, reduced it as before. I do not dislike that things passed moderately; and all things considered it is not amiss, and might easily have been worse.

There was much speaking of interceding for the King's mercy; which in my opinion was not so proper for a sentence. I said in conclusion, that mercy was to come *ex mero motu*, and so left it. I took some other occasion pertinent to do the King honour by shewing how happy he was in all other parts of his government, save only in the manage of his treasure by these officers.

I have sent the King a new bill for Sussex; for my Lord of Nottingham's certificate was true, and I told the Judges of it before, but they neglected it. I conceive the first man, which is newly set down, is the fittest. God ever preserve and prosper you, etc.

Your Lordship's most obliged friend,
and faithful servant,
Fr. Verulam, Canc.

13 November, 1619.

To the Lord Chancellor.[2]

My honourable Lord,

I have acquainted his Majesty with your letter, who commanded me to give your Lordship thanks for your speed in advertising those things that pass and for the great care he seeth you ever have of his service.

I send your Lordship back the bill of sheriffs for Sussex, wherein his Majesty hath pricked the first, as your Lordship wished.

His Majesty would not have you omit this opportunity of so gross an

[1] Stephens's second collection, p. 102. From the original in the Earl of Oxford's library.

[2] Harl. MSS. 7006. f. 150. Original. Docketed by Meautys "14 Nov. 1619. My Lo. of Buck^m^ to y^r^ Lp. shewing the King's dislike to be troubled with new names for Sheriffs. Requiring memorand. to be given to the Judges to prevent the like hereafter."

oversight in the Judges, to admonish them of their negligence in suffering such a thing to come to his Majesty, which needed his amending afterward: and withal to let them know that his Majesty observeth that every year they grow more and more careless of presenting fit men unto him for that place; and that you advise them to be more wary hereafter that they may give his Majesty better satisfaction. And so I rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Royston, 14 November, 1619.

The foregoing correspondence passing between persons to whom the nature of the case was otherwise known, does not sufficiently explain it to a modern reader; and as it is usual for modern writers to treat all government prosecutions of those days as merely devices for the pulling down of one great man to serve the interests or please the humours of another, it may be worth while to show how the thing appeared to one who heard the trial and had no personal interest in the matter on either side. Among our State papers is a report sent to Carleton by a correspondent[1] whose name does not appear, but who seems to stand in this position, and whose enumeration of the particular charges, though not to be taken for an authentic record, leaves no doubt as to their general character.

He had been present, it seems, during the whole trial, which lasted ten days, and also at the censure; and reports what he could recollect—"being but a small parcel of that great mass which was there laid open to the knowledge of all men."

The charges were distributed under five heads—"fraud in jewels, indirect dealing concerning the Ordnance, abuse in the Allum works, misemployment of the King's treasure, and extortion upon the subject."

The offence under the first head was found to be covered by a general pardon, and was therefore not prosecuted. In the matter of the Ordnance, the payment of a sum of 6500*l.* without requiring the proper certificate of the due employment of it; and in that of the Allum works, the cancelling of a contract and making of a new agreement without the consent of the Chancellor of the Exchequer —causing a loss to the Crown of 310,000*l.*,—were the offences imputed. Under the head of misemployment of Treasure, "it was alleged that his Majesty's important services, as payment of the navy, army of Ireland, and buying in of pensions, had been neglected; and that moneys appointed for these purposes were

[1] S.P. Dom. James I., vol. cxi. no. 18.

employed to their private uses, or paid to private men upon extorting and strict terms." Thus a sum of 3000*l.* received in part payment for the surrender of the Cautionary Towns, had been kept in Suffolk's own hands for two years, for his own and his Lady's use, —under pretence of employing it in the buying in of pensions; and sums severally of 2000*l.* and 1000*l.* out of the Irish money, had been in like manner kept in their own hands for several periods to their own use. It was alleged further that money had been issued upon blank orders and acquittances: and had likewise been transferred from one hand to another—from the navy to the Irish army, and from the army to the wardrobe,—to serve private turns and keep it in their own hands,—by which sleight Sir John Bingley had kept 1000*l.* in his hands for 5 years, and 900*l.* for 4 months. Under the head of extortion, the particulars were many; consisting of sums received from various persons, and varying in amount from 300*l.* to 3000*l.*, all for favour in transactions with the Treasury. Thus we find one item of 1900*l.* from Turner, a dealer in the Allum works, for favour in obtaining assurance, and otherwise; another of 1000*l.* "of Sir Francis Ipsley for their favour about Allum works;" 800*l.* from Lord Ridgway "for favour in passing his accounts and payment of the army": 1060*l.* per ann. offered by Sir H. Dockwray for favour in paying the army, of which part had been received: "divers sums of money from Lord Powerscourt, and other Commanders in Ireland, for favours done unto them": 3000*l.* of the Merchant Adventurers, "to suffer their renewed charter to pass," which could not be despatched before by reason of his (the Earl of Suffolk's) opposition: 1500*l.* yearly from the Farmers of the Customs, "as a gratuity out of the 10,000*l.* lent his Lordship for which he paid no use, upon pawn of the lease of Oswestry, which my Lord got back into his hands and cancelled;" besides several other sums of considerable amount, apparently for assistance in obtaining payments of money due from the Exchequer to those who gave them.

Such was the character of the charges. The result of the trial is thus stated by the same reporter.

"Concerning these objections aforesaid, the Earl denied all indirect dealing, and justified his proceedings.

"The Countess denied some part, and blanched her confession in other.

"Sir John Bingley confessed some gratuities, and excused his other actions concerning blank orders and translations as occasioned by necessity of his Majesty's service, and not otherwise: which answer was accepted of in good part, but in divers particulars they found him a great

scraper in his office, or as they called it *colore officii;* a taker of bribes, a broker for my Lord and Lady of Suffolk, and a manifest dealer in most of these extorting affairs: that by my Lady of Suffolk's letters, which were intercepted and read in Court, he appeared no less: as also by a book of particular bribes, receipts, and disbursements, kept by Humphreys, my Lord's servant, and recovered out of my Lady's hands, being after the greatest evidence and tell-tale against them.

"And for the Earl, that although in many of these misemployments and extortions he had no immediate finger, yet it was very apparent that he gave way underhand to all the business: for when my Lady and Sir John Bingley had made their bargains, my Lord was ready to subscribe, and not before. Then upon a sudden my Lord became tractable to deal with, and would give fair language. The Chequer door was open, and the men they dealt with had their moneys paid them according to their bargain agreed upon. Before they had concluded, no business could be suffered to pass: his Lordship was not to be moved upon any condition.

"Nevertheless it appeared that divers of these bribes were restored by my Lord and Lady when they suspected the matters would be brought in question. So as though the offence remained, the bribes were brought to a less number. For one of them my Lady caused a bill to be given, that the party might swear when he was examined that the money was lent and not given, but withal took care that the bill might be restored again when these troubles were at an end. So as, howsoever she laboured to uphold her credit, yet she was not willing[1] to forego her profit. Though it did not appear that my Lord was in any great arrearages to his Majesty upon the conclusion; for at their first calling in question, for fear of a strict account, their consciences summoned them to salve their errors the safest and readiest way they were able, which indeed did somewhat extenuate their offence."

"Thus I have laid down" (he concludes), "the things that appeared to be of greatest consequence against the delinquents, and to which they could give no sufficient or satisfying answer. Now I will briefly relate the censure.

"Sir Edward Cooke was the first, and produced many precedents of former times, which made mention of divers great men punished for wasting or misspending the King's treasure. Amongst the rest were Ranulph the Briton in the time of Henry III.; Petrus de Rivalls in the time of Edward III.; Walter de Langton, Bishop of Coventry and Lichfield, in the time of Edward I.; Roger Earl of March in the time of Edward IV., etc., whose cases were like the Earl of Suffolk's, and their punishment, some by fine and imprisonment, and some by ransom; also aggravating the Earl's offence to a high extent. So he fined my Lord and Lady at 100,000*l.*, to be imprisoned severally in the Tower during the King's pleasure at their own charge, and to make restitution of the moneys

[1] 'not unwilling' in M.S.

they had by extortion. For Sir John Bingley, he fined him at 5000*l.*, to be imprisoned in the Fleet, and to make restitution as aforesaid. The Chancellor of the Exchequer was next, and agreed with Sir Edward Cooke both in fine and punishment. Next after him was my Lord Chief Justice Hubbard, who brought the business together, and with great judgment drew it to life and set it forth, because he rather thought it fit to make it a fine than a ransom: he moderated the censure jointly for my Lord and Lady at 30,0000*l.*, and for Sir John Bingley 200*l.*, imprisonment in the Tower and the Fleet as aforesaid, and left them questionable for their extortions by such as were disposed to commence suit against them.

"My Lord Chief Justice Montagu, Sir Julius Cæsar, and Mr. Secretary Calvert, agreed with my Lord Hubbard. Mr. Secretary Nanton with Sir Edward Cooke: Sir Thos. Edmonds, the Lord Digby, the three Bishops, my Lord of Pembroke, and Marquis Hamilton, with the Lord Hubbard. The Duke of Lenox as Sir Edward Cooke.

"My Lord Chancellor to conclude (as his manner is), made an eloquent speech in praise of his Majesty and the present Government: That his Majesty was an uniter and planter of kingdoms; that he had converted this country from a field to a garden: this city from sticks to brick: That the Navy was in an excellent way of restoring and reparation: that his Majesty laboured in nothing but want of money; and no offence so mortal as the misemployment of his treasure: That concerning the business in hand he had little to say, being prevented of what he intended to handle by Lord Hubbard and Secretary Calvert, who fell upon those points which he most affected to speak of. So he gave his censure in all points with my Lord Hubbard."

CHAPTER III.

A.D. 1619–20. NOVEMBER–JUNE. ÆTAT. 59.

1.

The case of the Earl of Suffolk being thus disposed of, the trial of the Dutch merchants proceeded without delay.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

I do not love to interlope by writing in the midst of business. But because his Majesty commanded me to acquaint him with any occurrence which mought cross the way, I have thought fit to let his Majesty know what hath passed this day.

This day (which was the day set down) the great cause of the Dutchmen was entered into. The pleading being opened, and the case stated by the counsel, the counsel of the defendants made a motion to have certain examinations taken concerning the old defendants suppressed, because they were taken since the last hearing.

I set the business in a good way, and shewed they were but supplemental, and that at the last hearing there were some things extrajudicial alledged *ad infirmandam conscientiam judicis*, and therefore there was more reason these should be used *ad informandam conscientiam judicis*, and that there was order for it. The Order was read, and approved both by the court and the defendant's own counsel; but it was alledged that the order was not entered time enough, whereby the defendants

[1] Stephens's first collection, p. 245. From the original; second collection, p. 103.

mought likewise examine, wherein certainly there was some slip or forgetfulness in Mr. Attorney or Britten that followed it, which I wish had been otherwise, yet it went fair out of the court.

But after dinner my Lords were troubled with it, and after much dispute we have agreed to confer silently and *sine strepitu* to-morrow, and set all straight, calling the judges, and the learned counsel, with whom I have spoken this evening, I think to good purpose. For in good faith I am fain to be *omnibus omnia*, as St. Paul saith, to set forward his Majesty's service.

I discern a kind of inclination to take hold of all accidents to put off the cause, whereunto neither I shall give way, nor I hope his Majesty; to-morrow, if cause be, I shall write more, but I hope all shall be well. I ever rest

Your Lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

Friday-night, 19th November, 1619.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

This day afternoon, upon our meeting in council, we have planed those rubs and knots which were mentioned in my last; whereof I thought good presently to advertise his Majesty.[2] The days hold without all question, and all delays diverted and quieted.

Sir Edward Coke was at Friday's hearing, but in his night-cap; and complained to me he was ambulant and not current. I would be sorry he should fail us in this cause. Therefore I desire his Majesty to signify to him by your Lordship (taking knowledge of some light indisposition of his) how much he should think his service disadvantaged in this cause if he should be at any day away; for then he cannot sentence.

[1] Gibson Papers, vol. viii. f. 114. Copy (or perhaps draught to dictation). No fly-leaf. Indorsed "To M. Buck. touching the Dutch causes."

[2] The words "I see how easy it is to mar business and that it is almost Hercules' labour to carry incertainties in the safest manner. But I hope I have set things well,"—which follow in the MS.—have a line drawn through them: a correction made apparently after the letter was written, not in the course of composition.

By my next I will give his Majesty some account of the tobacco and the currants. I ever rest

Your Lordship's most obliged friend,
and faithful servant,
FR. VERULAM, Canc.

November 20, at evening, 1619.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

I have conferred with Sir Lionel Cranfield according to his Majesty's special commandment touching two points of value for the advancement (the one present the other speedy) of his Majesty's revenue.

The first is of the currants, to restore the imposition of five shillings sixpence laid in the late Queen's time, and drawn down unduly to serve private turns to three shillings fourpence; which will amount to above three thousand pounds yearly increase.

The other is of the tobacco, for which there is offered 2000*l.* increase yearly, to begin at Michaelmas next, as it now is; and 3000*l.* increase, if the plantations of tobacco here within land be restrained.

I approve in mine own judgment both propositions, with these cautions; That for the first the farmers of the currants do by instrument under their seal relinquish to the King all their claim thereto by any general word of their patent. And for the second, that the bargain be concluded, and made before the proclamation go forth; wherein perhaps there will occur some doubt in law, because it restraineth the subject in employment of his freehold at his liberty. But being for so many reasons *pro bono publico*, I think it is good enough.

His Majesty may therefore be pleased to write his letter to the commissioners of the treasury, signifying his Majesty's

[1] Gibson Papers, vol. viii. f. 115. Copy by Meautys. Docketed, "Nov. 22, 1619. Yo^r Lp to my Lo. Marq. Buck^m touching the improvement of the K's revenues by Corans and Tobacco."

pleasure directly in both points to have them done, and leaving to us the consideration *de modo*.

God ever prosper you, I rest

Your Lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

Nov. 22, 1619.

To the Marquis of Buckingham.[1]

My very good Lord,

I know well his Majesty taketh to heart this business of the Dutch, as he hath great reason, in respect both of honour and profit; and because my first letter was written in the *epitasis*, or trouble of the business, and my second in the beginning of the *catastrophe*, or calming thereof, (wherein nevertheless I was fain to bear up strongly into the weather, before the calm followed) and since every day hath been better and better, I thought good to signify so much, that his Majesty may be less in suspense.

The great labour was to get entrance into the business; but now the portcullis is drawn up. And although I must say there were some blots in the tables, yet by well playing the game is good.[2]

Rowland is passing well justified; for both his credit is by very constant and weighty testimony proved, and those vast quantities, which were thought incredible or at least improbable, are now made manifest truth.

Yet I find a little of the old leaven towards the first defendants, carried in this style or character: *I would this that appears now, had appeared at first. But this cometh of haste and precipitation*; and the like. But yet I hope the corruption and practice upon the *Ore tenus*, and the rectifying of Rowland's credit, will satisfy my Lords upon the former proofs; for I would be

Gibson Papers, vol. viii. f. 116. Copy or draught. Docketed in Bacon's hand, "The Lo. Chancellor to the L. of Buck. touching the Dutch business."

[2] "It is a business of much intricacy," says Naunton, writing to Buckingham on the 6th of December, "and receiveth every day new variations in the number of the defendants, which are every day reduced to be fewer and fewer, in respect of the daily new exceptions which are offered: insomuch as my Lord Chancellor himself hath told it me in mine ear that if he had been attorney and had had the following of the matter he would not have had so many blots in his tables." Fortescue Papers.

very sorry that these new defendants (which, except one or two, are the smaller flies) should be in the net, and the old defendants, which are the greater flies, should get through.[1] God preserve you.

Your Lordship's most obliged friend,
and faithful servant,
FR. VERULAM, Canc.

This 26 November,
1619.

TO THE LORD CHANCELLOR.[2]

My honourable Lord,

I do from time to time acquaint his Majesty with your letters, wherein he ever perceiveth your vigilant care in any thing that concerneth his service; and hath commanded me to give you thanks in his name, who is sure your endeavours will never be wanting, when anything is to be done for the advancement of his affairs.

According to your Lordship's advice, his Majesty hath written to the commissioners of the trēasury, both touching the currants and the tobacco, the plantation whereof his Majesty is fully resolved to restrain; and hath given them order forthwith to set out a proclamation to that effect; not intending in that point to stand upon any doubt of law, nor to expect the judges' interpretation; nor to allow any freehold in that case; but holding this the safest rule, *Salus reipublicæ suprema lex esto.* And so I rest

Your Lordship's faithful friend and servant,
G. BUCKINGHAM.

Newmarket, Nov. 27, 1619.

TO THE MARQUIS OF BUCKINGHAM.[3]

My very good Lord,

I send the submission of Sir Thomas Laque, drawn in such form as upon a meeting with me of the Chief Justices and the learned counsel, was conceived agreeable to his Majesty's meaning and directions; yet lest we should err, we thought good to

[1] The following words have a line drawn through them, "As for the matter, as I said before his M. at first, that I believed it as if I saw it, so every man will see it now." The erasure made, I think, after the letter was finished.

[2] Harl. MSS. 7006, f. 152. Orig. Docketed by Meautys, "27 November, 1619. My Lo. of Buckingh^m to y^r Lp. touching a Proclamation to restrain planting of Tobacco."

[3] Stephens's second collection: p. 105: from the original.

send it to his Majesty. It is to be returned with speed, or else there will be no day in court to make it. God bless and prosper you. I rest

Your Lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

28 Nov. 1619.

The enclosure is not with the letter, but there is a paper in the Record Office answering the description, and purporting to be the submission made afterwards in the Star Chamber by Sir Thomas Lake. The cause of the postponement will be found a little further on in Bacon's letter of the 1st of December.

THE FORM OF SIR THOMAS LAKE'S SUBMISSION, AS IT WAS CONCEIVED BY THE RIGHT HON. THE LORD CHANCELLOR, THE LORD CHIEF JUSTICE, AND MR. ATTORNEY-GENERAL.[1]

Whereas by a decree of this most honourable Court in the cause wherein the right hon. the Earl of Exeter and the Lady Frances his wife were plaintiffs against me Thomas Lake and others, defendants, made the 13th day of February last by the King's most excellent Majesty, sitting in his royal person in this his throne of justice, with the advice of his most honourable Council, I stand convicted and sentenced for maintaining and countenancing my daughter the Lady Rosse in a cause which is by the judgment of his Majesty and this honourable Court justly censured to be foul and odious to the world and scandalous to the said Countess, which I might not have deserved if I had used due care and diligence in examining the proofs, and not been misled by gross credulity indulgence and ignorance;

And whereas I stand likewise convicted of a great and high offence in abusing my place, trust, and authority as a privy councillor, by imprisoning one Luke Hatton, and one George Gwillyams for none offence to his Majesty, but in mine own cause and for my own private ends:

I do hereby acknowledge and confess the said sentence and decree to be in all parts and respects just and honourable; and

[1] S. P. Dom. James I. vol. cxii. no. 44. Contemporary copy. Docketed, "Sir Tho. Lake's submission, Feb. 1619." Another copy is docketed, "Submission made by Sir Thomas Lake in the Star Chamber, 28th January, 1619."

that the punishment by his Majesty's royal judgment inflicted upon me hath been duly deserved, and I am heartily sorry I did give any favour or countenance to so foul and hateful a matter, and so scandalous to the said Countess, craving pardon of the said Countess for the wrongs I have done her, and do hereby humbly beseech your Lordships to mediate unto his Majesty for his grace and mercy towards me.

TO THE LORD CHANCELLOR.[1]

My honourable Lord,

I have acquainted his Majesty with your Lordship's letter, and with the submission you sent drawn for Sir Thomas Lake, which his Majesty liketh well; and, because he served him in so honourable a place, is graciously pleased that he make submission in writing, so that my Lady of Exeter be contented, and that the Lords, whom his Majesty would have you acquaint therewith, think it fit. And so I rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Newmarket, 29 Nov. 1619.

TO THE MARQUIS OF BUCKINGHAM.[2]

My very good Lord,

I acquainted this day the board with his Majesty's pleasure touching Lake's submission; which, whether it should be done in person or in writing, his Majesty signified his will thus; That it should be spared in open court, if my Lady of Exeter should consent, and the board think fit. The board liked it well; and appointed my Lord Digby and Secretary Calvert to speak with my Lady; who returned her answer in substance, that she would in this and all things be commanded by his Majesty; but if his Majesty left it to her liberty and election, she humbly prayed to be excused. And though it was told her that this answer would be cause that it could not be performed this term, yet she seemed willing rather it should be delayed than dispensed with.

[1] Harl. MSS. 7006. Orig. Docketed by Meautys, "29 Nov. 1619. My Lo. of Buck^m to yor Lp. touching Sir Tho. Lake's submission to be in writing and not in person, if the La. of Exeter give way to it."

[2] Gibson Papers, vol. viii. f. 117. Copy. No fly-leaf. Indorsed, "To the Lo. Marq^s Buck^m touching the La. Exeter's answer for the manner of Sir Thomas Lake's recognition."

This day also Traske[1] in open court made a retractation of his wicked opinions in writing. The form was as good as may be; I declared to him, that this court was the judgment-seat; the mercy-seat was his Majesty: but the court would commend him to his Majesty; and I humbly pray his Majesty to signify his pleasure speedily, because of the misery of the man; and it is a rare thing for a Sectary, that hath once suffered smart and shame, to turn so unfeignedly, as he seemed to do. God ever bless and keep you.

Your most obliged friend and faithful servant,

FR. VERULAM, Canc.

1° Decr 1619.

TO THE MARQUIS OF BUCKINGHAM.[2]

My very good Lord,

We sentence to-morrow, but I write to-day, because I would not leave the King in suspense.

I shall write not so good news as I would, but better than I expected.

We met amongst ourselves to-day, which I find was necessary, more than convenient. I gave aim that the meeting was not to give a privy verdict, or to determine what was a good proof or not a good proof, nor who was guilty or not guilty, but only to think of some fit proportion of the fines, that there mought be less distraction in the sentence, in a cause so scattered.

Some would have entered into the matter itself, but I made it good, and kept them from it.

I perceive the old defendants will be censured as well as the new (which was the gole) and I am persuaded the King will have a great deal of honour of the cause. Their fines will be moderate, but far from contemptible.

The attorney did very well to-day. I perceive he is a better pleader than a director, and more eloquent than considerate.

Little thinks the King what ado I have here, but I am sure I

[1] See Vol. VI. p. 315. It appears from Camden that on the 19th of June, 1618, Traske had been condemned in the Star Chamber to the pillory, to lose his ears and to be whipped. But the charge was not for his opinions, but for making conventicles and commotions, and for scandalising the King, the Bishops, and the clergy. How much of the sentence had been carried out I do not know.

[2] Fortescue Papers. Original: own hand.

acquit my trust. To-morrow I will write particularly. God ever preserve your L.

Your Lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

Tuesday afternoon, this
7 Decem. 1619.

The letter promised for the next day with a particular account of the result has not been found; though it seems that there was one answering the description among the papers sent to Tenison in 1682. For I find in Stephens's catalogue, under the date 8 Dec. 1619, a note of one described as "touching some fines recovered for his Majesty," and beginning "This cause." The next letter was, I suppose, in answer to it.

TO THE LORD CHANCELLOR.[1]

My Lord,

His Majesty having seen in this great business your exceeding care and diligence in his service by this effect which hath followed thereupon, hath commanded me to give you many thanks in his name, and to tell you that he seeth you have played the part of all in all. And so I rest

Your faithful friend and servant,
G. BUCKINGHAM.

Newmarket, 10 Dec. 1619.

TO THE MARQUIS OF BUCKINGHAM.[2]

My very good Lord,

On Friday I left London to hide myself at Kew; for two months and a half together to be strong-bent, is too much for my bow. And yet, that the King may perceive that in my times of leisure I am not idle, I took down with me Sir Giles Mompesson, and with him I have quictly conferred of that proposition which was given me in charge by his Majesty, and after seconded by your Lordship; wherein I find some things I like

[1] Harl. MSS. 7006. Orig. Docketed "10 Dec. 1619. My Lo. Marquess to your Lp. giving your Lp. thanks in his Majesty's name in the Dutch cause."

[2] Gibson Papers, vol. viii. f. 119. Copy by Meautys. No fly-leaf. Indorsed "To Lo. of Buckingham touching his Ma$^{ty's}$ service upon conference had with Sir Giles Mompesson."

very well, and some other that I would set by. And one thing is much to my liking, that the proposition for bringing in his Majesty's revenue with small charge is no invention, but was on foot heretofore in King Philip's and Queen Mary's time, and had a grave and mighty opinion for it. The rest I leave to his relation and mine own attendance.

I hope his Majesty will look to it, that the fines now to come in may do him most good. Both causes produce fines of one hundred and fourscore thousand pounds, whereof one hundred thousand may clear the Anticipations; and then the Assignations may pass under the great seal to be inrollable; so as we shall need to think of nothing but the arrear in a manner; of which I wish the £20,000 to the strangers (with the interest) be presently satisfied. The remain may serve for the King's present and urgent occasions. And if the King intend any gifts, let them stay for the second course (for all is not yet done,) but nothing out of these; except the King should give me the £2,000[1] I owe Peter Vanlore out of his fine, which is the chief debt I owe. But this I speak but merrily. I ever rest

Your Lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

Kew, Decemb. 12, 1619.

After I had written this letter, I received from your Lordship by my servant his Majesty's acceptation of my poor services; for which I pray your Lordship to present to his Majesty my most humble thanks. I have now other things in my mind for his Majesty's service, that no time be lost.

To the Lord Chancellor.[2]

My honourable Lord,

His Majesty hath been pleased, out of his gracious care of Sir Robert Killigrew, to refer a suit of his for certain concealed lands to your Lordship and the rest of the Commissioners for the Treasury; the like whereof hath been heretofore granted to many other. My desire to your Lordship is, that he being a gentleman whom I love and wish very well unto, your Lordship would shew him for my sake all the favour you can in

[1] £20,000 had been written first, but the last cypher has been struck through with the pen.

[2] Harl. MSS. 7006. f. 158. Orig. Docketed "25 Decemb. 1619, My Lo. of Buck^m touching Sir R. Killigrew's suit."

furthering his suit; wherein your Lordship shall do me a courtesy, for which I will ever rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Royston, December 25, 1619.

2.

The important paper which follows is without a date. But as we know that the King had received, but had not read it, before he went to Royston (which was on the 17th of January[1]); and as Bacon was in the habit of presenting such things by way of new year's gifts; I take the first of January 1619–20 to be the most probable date of it. At any rate, this is its proper place in this collection.

A more important question is, have we the whole paper here, or only the first sheet? I incline to think that there was more. The writing goes to the very end of the sheet. There is no docket; no mark of any kind to show that it is finished; and for anything that appears it may have been continued on another, which once separated would easily be lost. As far as it goes, however, it fully explains its own business.

TO THE KING.[2]

Amongst the counsels, which (since the time I had the honour to be first of your learned, and after of your privy council) I have given your Majesty faithfully, according to my small ability, I do take comfort in none more than that I was the first that advised you to come in person into the Star-Chamber; knowing very well that those virtues of your Majesty's which I saw near hand, would out of that throne, both as out of a sphere illustrate your own honour, and as out of a fountain water and refresh your whole land; and because your Majesty in that you have already done hath so well effected that which I foresaw and desired, even beyond my expectation, it is no marvel if I resort still to the branches of that counsel that hath borne so good fruit.

The Star-Chamber in the institution thereof hath two uses; the one as a supreme Court of Judicature; the other as an open Council. In the first kind your Majesty hath sat there now

[1] Chamberlain, 22 Jan.

[2] Gibson Papers, vol. viii. f. 227. Fair copy by Meautys. No date, docket, or title.

twice; the first time in a cause of force concerning the duels; the second time in a cause of fraud concerning the forgeries and conspiracies against the Lady of Exeter; which two natures of crimes, force and fraud, are the proper objects of that court.

In the second kind, your Majesty came the first time of all, when you did set in frame and fabric the several jurisdictions of your courts. There wants a fourth part of the square to make all complete, which is, if your Majesty will be pleased to publish certain commonwealth commissions; which, as your Majesty hath well begun to do in some things, and to speak of in some others, so, if your Majesty will be pleased to make a solemn declaration of them in that place, this will follow:

First, that your Majesty shall do yourself an infinite honour, and win the hearts of your people to acknowledge you as well the most politic King as the most just. Secondly, it will oblige your Commissioners to a more strict account, when they shall be engaged by such a public charge and commandment. And, thirdly, it will invite and direct any man that finds himself to know anything concerning those commissions to bring in their informations. So as I am persuaded it will eternise your name and merit, and that King James his commissions will be spoken [of] and put in ure, as long as Britain lasts; at the least in the reign of all good Kings.

For the particulars, besides the two commissions of the navy, and the buildings about London (wherein your Majesty may consider, whether you will have any thing altered or supplied,) I wish these following to be added.

Commission for advancing the clothing of England, as well the old drapery as the new, and all the incidents thereunto.

Commission for staying treasure within the realm, and the reiglement of monies.

Commission for the provision of the realm with corn and grain, and the government of the exportation and importation thereof; and directing of public granaries, if cause be.

Commission for introducing and nourishing manufactures within the realm, for the setting people a-work, and the considering of all grants and privileges of that nature.

Commission to prevent the depopulation of towns and houses of husbandry, and for nuisances and high-ways.

Commission for the recovery of drowned lands.

Commission for the suppressing of the grievances of informers.

Commission for the better proceedings in the plantations of Ireland.

Commission for the provision of the realm with all kind of warlike defence. Ordnance, powder, munition, and armour.

Of these you may take and leave, as it shall please you: and I wish the articles concerning every one of them (first allowed by your council) to be read openly, and the Commissioners names.

For the good that comes of particular and select committees and commissions, I need not commonplace; for your Majesty hath found the good of them; but nothing to that that will be when such things are published; because it will vindicate them from neglect; and make many good spirits that we little think of co-operate in them.

I know very well that the world, that commonly is apt to think that the care of the commonwealth is but a pretext in matters of state, will perhaps conceive that this is but a preparative to a parliament. But let not that hinder your Majesty's magnanimity, *in opere operato* that is so good; and besides, that opinion, for many respects will do no hurt to your affairs.

Here we come to the end of the sheet, and must remain in doubt whether the letter ended with it. The King saw the value of the suggestion and desired Bacon to follow it up.[1] But I suppose the troubles of the times were too many and too urgent to allow the necessary leisure for bringing it to maturity, and though the system of distributing the business of government to standing commissions charged with the care of particular departments has gradually extended and established itself, King James was not destined to have the credit of bringing it in.

TO THE LORD CHANCELLOR.[2]

My honourable Lord,

I have acquainted his Majesty with your letter, who for that business whereof Mr. Chancellor of the Exchequer brought the message to his Majesty to Theobalds, returned the answer by him.

[1] See the next letter—"those businesses of the Star Chamber *which his Majesty hath recommended to your Lordship.*"

[2] Harl. MSS. 7006, f. 160. Orig. Docketed by Meautys, "19 Janu. 1619. My Lo. Marq^{s} Buck^{m} to yor Lp. touching the Treasury business and other services of his Ma."

As for that whereof Sir Giles Mompesson spake to your Lordship, his Majesty liketh very well, and so do all others with whom his Majesty hath spoken of it; and therefore he recommendeth it to your care, not doubting but your Lordship will give all your furtherance to it, being your own work, and so much concerning his Majesty's honour and profit; and will speak further with your Lordship of it at his return to London.

For those other businesses of the Star-Chamber which his Majesty hath recommended to your Lordship, he hopeth you will keep the clock still going, his profit being so much interested therein, especially seeing Mr. Chancellor of the Exchequer hath promised his Majesty that he will be no more sick, whereby you shall have this comfort, that the burden will not lie upon your Lordship alone.

The little leisure I had at Theobalds made me bring your man down hither for this answer, which I hope your Lordship will excuse, and ever hold me for

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Royston, 19 of January, 1619.

To THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

In the midst of business, as in the midst of a way, one should not stay long, specially when I crave no direction but only advertise.

This day we met about the commission, the commonwealth's commission, for the poor and vagabonds, &c. We have put it into an exceeding good way, and have appointed meetings once in fourteen days, because it shall not be a-slack. I was glad to hear from the two Chief Justices, that whatsoever appears in the country to come from *primum mobile* (that is, the King's care) works better than if it come from the law. Therefore we have ordered that this commission shall be published in the several circuits in the charges of the Judges. For the rest hereafter.

For the proposition of Sir Giles Mompesson, we have met once. Exchequer-men will be exchequer-men still; but we shall do good.

For the account or rather imparting of the Commissioners of Treasure to the Council, I think it will but end in a compliment. But the real care (and I hope to good purpose) I will not give over, the better because I am not alone.

[1] Gibson Papers, vol. viii. f. 120. Copy. No fly-leaf. Indorsed, "To Lo. Buck. touching commission for Vagabonds and Beggars."

For the Star-Chamber business, I shall (as you write) keep the clock on going, which is hard to do when sometimes the wheels are too many and sometimes too few. But we shall do well, specially if those whom the King hath hitherto made bondmen (I mean, which have given bonds for their fines) he do not hereafter make free-men.[1]

For Suffolk's fine, it is a little strange that the Attorney made it a question to the Commissioners of Treasure, whether Suffolk should not be admitted to the lease of the extent of his own land, which is the way to encourage him not to pay his fine. But when it was told him that the contrary course was held with the Earl of Northumberland, and that thereby he was brought to agree for his fine, then he turned, as his manner is.

For the errors,[2] we have yet so much use of the service of Sir Henry Britten in bringing in the fines (indeed more than of the Attorney) as we cannot without prejudice to his Majesty's service enter yet into them, and besides Sir Edward Coke comes not abroad.

Mr. Kirkam hath communicated with me, as matter of profit to his Majesty, upon the coals referred by his Majesty to us of the Treasury; wherein I hope we shall do good, the rather because I am not alone.

The proclamation for light gold Mr. Secretary Calvert I know hath sent to his Majesty; and therefore of that I say no more.

For the raising of silver by ordinance and not by proclamation, and that for the time to come, we have given order to finish it. I hear a whispering that thereupon the Commissioners of the Navy, the Officers of the Household, the Wardrobe, may take occasion to break the book and the undertakings, because the prices may rise; which I thought good to signify to his Majesty. And, to speak plainly, I fear more the pretence than the natural effect.

God ever preserve your Lordship. I rest

Your Lordship's most obliged friend,

and faithful servant,

FR. VERULAM, Canc.

20 January, 1619.

[1] By "those other businesses of the Star-Chamber which his Majesty hath recommended to your Lordship," Bacon understood the business of the Dutch merchants who had been fined. But the King meant the publication in the Star-Chamber of the commonwealth commissions which Bacon had recommended. See the next letter.

[2] See above, p. 61.

To the Lord Chancellor.[1]

My honourable Lord,

I have acquainted his Majesty with your letter, who is very well pleased therewith, finding in you a continual care of his service. In that point of the Star-Chamber business, his Majesty saith there is a mistaking; for he meant not the Dutchmen's business, but that motion which your Lordship made unto him of sitting in the Star-Chamber about the Commissions, which he had not leisure to read till he came down to Royston, and hath reason to give you thanks for it, desiring you to prepare it, and study the point, (of which he will speak more with you at his return to London) being a matter worthy your thinking on, and his Majesty's practice.

For the last point of your letter, his Majesty saith it cannot but proceed of malice that there should be any such plot, which he will not endure, but he will account those that whisper of it in that sort, enemies to his service, and will put them out of their places that practise it. And so I rest

Your Lordship's faithful friend and servant,

G. Buckingham.

Newmarket, Jan. 22, 1619.

This was Bacon's birthday: the celebration of which on this occasion Camden thought worth noting in his *Annalium Apparatus*.

1620. Jan. 22.—Franciscus Baconus, Cancellarius Angliæ, natalem diem LIX. ætatis celebrat.

To etc. the Marquis of Buckingham, Lord Admiral of England.[2]

My very good Lord,

To keep form, I have written immediately to his Majesty of Justice Crooke's death, and send your Lordship the letter open, wishing time were not lost. God preserve and prosper you.

Your Lordship's ever,

Fr. Verulam, Canc.

24 Jan, 1619.

[1] Harl. MSS. 7006, f. 162. Original. Docketed by Meautys, "22 Jan. 1619. My Lo Marq[s] of Buck[m] to yr Lp. to consider well of some particulars w[h] will occasion his M. to sit in person in the Star-Chamber."

[2] Fortescue Papers. Original: own hand.

EXTRACT FROM A LETTER FROM SIR LIONEL CRANFIELD TO THE MARQUIS OF BUCKINGHAM,[1] JAN. 31, 1619.

"I have acquainted my Lord Chancellor with my conceit of disposing the pretermitted customs to pay the city their debt of 100,000*l.* I will not write his opinion or approbation (because I proposed it). But your Lordship may guess when he desired to have the handling it that he may have the honour and thanks from the King; wherewith I am very well pleased, so the thing be done, that his Majesty may have the ease and profit."

TO MR. SECRETARY CALVERT.[2]

Mr. Secretary,

I have received your letter of the 3rd of this present, signifying his Majesty's pleasure touching Peacock's[3] examinations, of which I will have special care. My Lord Coke is come to the town, and hath sent me word, he will be with me on Monday, though he be somewhat lame; howsoever, the service shall be done.

I was made acquainted by your letter to Secretary Naunton with his Majesty's dislike of the sending to him of the jolly letter from Zealand. I will now speak for myself, That, when it was read, I turned to the Master of the Wards,[4] and said, "Well, "I think you and I shall ever advise the King to do more for a "Burlomachy, when he seeketh to his Majesty by supplication and "supplying the King at the first word, than for all the rest upon "any bravados from the Burgomasters of Holland and Zealand;" who answered very honestly that it was in the King's power to make them alter their style when he would. But when another of us said, we could not but in our own discharge send the King the letter, *scilicet negandum non fuit;* though indeed my way is otherwise.

I have at last recovered from these companions, Harrison and Dale, a copy of my Lord of Bangor's book, the great one, and will presently set in hand the examinations. God keep you.

Your assured friend,

FR. VERULAM, Canc.

February 5, 1619.

[1] Tanner MSS. 74, f. 239 b.

[2] Gibson Papers, vol. viii. fo. 121. Original draught: own hand.

[3] "Peacockus Cantabr. qui professus erat se prætigiis Regis animum in causâ Tho. Laki a vero judicio deflexisse." Camd. *Annal. App.* 22 Feb. 1620.

[4] Sir Lionel Cranfield.

To the Marquis of Buckingham, Lord Admiral of England.[1]

My very good Lord,

I doubt not but Sir Giles Montperson advertiseth your Lordship how our revenue business proceeds. I would his Majesty had rested upon the first names. For the additionals, specially the exchequer man, doth not only weaken the matter, but weakeneth my forces in it, he being thought to have been brought in across. But I go on, and hope good service will be done.[2]

For the Commissions to be published in the Star-chamber, for which it pleased his Majesty to give me special thanks, I will have special care of them in time. God ever prosper you.

Your Lordship's most obliged friend,
and faithful servant,
Fr. Verulam, Canc.

10th of Feb. 1619.

To the King.[3]

May it please your Majesty,

Sir Edward Coke is now on foot, and according to your command, signified by Mr. Secretary Calvert, we proceed in Peacock's examinations; for although there have been very good diligence used, yet certainly we are not at the bottom; and he that would not use the utmost of his line to sound such a business as this, should not have due regard neither to your Majesty's honour nor safety.

A man would think he were in Luke Hatton's case again; for as my Lady Roos personated Luke Hatton, so it seemeth Peacock personateth Atkins. But I make no judgment yet, but will go on with all diligence; and if it may not be done otherwise, it is fit Peacock be put to torture. He deserveth it as well as Peacham did.

[1] Fortescue Papers. Original: own hand.

[2] If this refers to the new names added to the Commission of Treasure, alluded to in the letter on the state of the finances printed in the next section, it will help to date that letter.

[3] Gibson Papers, vol. viii. fo. 122. Copy. No fly-leaf. Indorsed "to the K. touching Peacock's examination.

I beseech your Majesty not to think I am more bitter because my name is in it; for besides that I always make my particular a cypher when there is question of your Majesty's honour or service, I think myself honoured for being brought into so good company. And as without flattery I think your Majesty the best of Kings, and my noble Lord of Buckingham the best of persons favoured, so I hope without presumption (for my honest and true intentions to state and justice, and my love to my master) I am not the worst of Chancellors. God ever preserve your Majesty.

Your Majesty's most obliged
and most obedient servant,
FR. VERULAM, Canc.

10th of February, 1619.

It is to be regretted that we do not know more about this case of Peacock; for Bacon appears in it, far more distinctly than in that of Peacham, as sanctioning the use of torture under certain conditions for judicial purposes; and it would have been instructive to know what the conditions were. In the case of Peacham, all we know is that *he did not refuse to be present* at an examination under torture (which he had not advised or otherwise sanctioned, and could not have prevented), when his attendance was required by those who had authority to require it. His presence under such circumstances proves nothing but that he did not think it his duty to resign his place rather than assist. But in this case we find him *suggesting* torture as a thing which in a possible contingency it might be "fit" to resort to; and he afterwards followed the suggestion so far forth at least as this:—he concurred with the rest of the Council (including Coke) in issuing a warrant conveying to certain persons the requisite authority for applying it, It is true that Mr. Jardine was unable "to discover any evidence of the actual application of the torture,"[1] and therefore it may be that the warrant was meant to be used only by way of menace; but we must nevertheless conclude that both Bacon and Coke at that time held it to be legal. Nor indeed could they well have held it to be otherwise, if legality was to be presumed where custom had been long and uniform and unchallenged. When Coke was first made Attorney-General and Bacon first employed in the business of the

[1] According to Camden (Annal. Appar. p. 54) it was applied on the 22nd of February. "Peacockus Cantabr. . . . tormentis in arce Londini subjicitur: alii amentem, alii impostorem censuerunt."

Learned Counsel, scarcely a year passed without the issue of one or more such warrant; and the right to issue them was never disputed. It was not disputed now. If it had been, they could have produced plenty of precedents in justification. The power was exercised under certain limitations. It could be used only in cases of treason, and then only in examinations by the Council preparatory to arraignment: nor could it be used for "evidence" (confessions obtained under torture not being themselves admissible as evidence before the Judge); but only for "discovery,"—that is, in order to obtain information which might lead to *the discovery* of evidence. But with these limitations the right to examine prisoners with torture had been assumed and occasionally exercised by the Crown without contradiction for the last century and half, at least. That both Bacon and Coke thought it *legal* therefore, is not surprising. And I can imagine cases in which Bacon would have thought it not only legal but right to put it in force—cases in which a man was wilfully concealing what he had no right to conceal, and where the application of pain might induce him to confess the truth. The wonder is that in a case like this of Peacock's he should have thought so. Witchcraft, no doubt, even in his eyes, was a graver thing than we can easily imagine now;[1] and yet he could hardly have spoken about the case in the tone he uses here, if there had not been something more in question than a charge either of practising or pretending to have infatuated the King's judgment by sorcery. Possibly the pretence of sorcery was suspected to have been used as a cover for some dangerous design. But the examination seems to have failed to justify the suspicion; and as the case never came to trial we know no more about it, except what we learn from rumour; which, dealing with matters in their nature secret, cannot be accepted as a conclusive authority. The last rumour we hear of it is from Chamberlain, writing sixteen days after the date of the last letter.

"One Peacock, sometime a schoolmaster and minister (but a very busy brained fellow) was the last week committed to the Tower for practising to infatuate the King's judgment by sorcery (they say) in the business of Sir Thomas Lake and the Lady of Exeter. He hath been strictly examined by the Lord Chancellor, the Lord Coke, the Lord Chief Justice,[2] the Attorney, Solicitor, and others; and on Tuesday was hanged up by the wrists; and though he were very impatient of the torture and swooned once or twice, yet I cannot learn that they have wrung any great matter

[1] See his letter to Sir T. Leigh and Sir T. Puckering, 15 May, 1619.

[2] According to Mr. Jardine this was the first case of a common law judge being among the persons to whom a torture warrant was directed.

out of him. Sir Thomas Lake was confronted with him at the Lord Chancellor's; whereon a suspicion arises that the matter may reach to him or his Lady."[1]

In the copy of this letter printed in the 'Court and Times of James I.' the parenthetical words (they say) are omitted. But they are important as showing some distrust on Chamberlain's part of the accuracy of the report which he was quoting.

To HIS VERY LOVING FRIENDS, THE PARISHIONERS AND FEOFFEES FOR THE POOR OF THE PARISH OF ST. ALLDATS, IN OXFORD.[2]

After my hearty commendations, I send you here enclosed a copy of an order made by the late Lord Chancellor, my predecessor, in the cause depending in Chancery between Edmond Blyth, plaintiff, against John Phillips and others, defendants, and formerly directed by his Lordship's letters unto you, to show cause why a decree made by commissioners for charitable purposes should not be confirmed by decree of the Chancery, which hitherto you have not done; and therefore it was desired that it might be decreed accordingly, which I have foreborne to do, but have thought fit to recontinue the said order, and to renew the said letters unto you, requiring you to show good cause by the second return of the next term, why the commissioners' decree should not be confirmed, otherwise the plaintiff is to have his lease decreed as he hath desired. So wishing you due respect herein, I bid you farewell,

Your loving friend,

FR. VERULAM.

From York House, this 13th of February, 1619.

To THE MARQUIS OF BUCKINGHAM.[3]

My very good Lord,

For the services committed to Sir Lionel Cranfield, after his Majesty hath spoken with him, I shall attend and follow his

[1] Chamberlain to Carleton, 22 Feb. 1619–20. S.P.

[2] Montagu's edition of Bacon's works, vol xiii. p. 4. Apparently from the Lambeth Library, though the reference is not given.

[3] Lambeth MSS. 942, 12. Copy: hastily written.

Majesty's pleasure and directions, and yield my best care, advice, and endeavour for performance.

In the pretermitted duty, I have some profit, and more was to have had, if Queen Anne had lived. Wherefore I shall become an humble suitor to his Majesty, that I may become no leesor, specially seeing the business had been many a time and oft quite overthrown, if it had [not] been upheld only or chiefly by myself; so that whatsoever service hath been since done is upon my foundation.

Mr. Attorney groweth pretty pert with me of late, and I see well who they are that maintain him. But be they flies, or be they wasps, I neither care for buzzes nor stings, most especially in anything that concerneth my duty to his Majesty or my love to your Lordship.

I forgot not in my public charge the last Star-Chamber-day to publish his Majesty's honour, for his late commission for the relief of the poor and suppressing vagabonds; as also his gracious intention touching informers, which I perceive was received with much applause. That of projectors I spake not of because it is not yet ripe, neither doth it concern the execution of any law, for which my speech was proper. God ever preserve and prosper you.

Your Lordship's most obliged friend,
and faithful servant,
Fr. Verulam, Canc.

February 17, 1619.

In the course of the following month Sir Robert Anstruther, a friend and kinsman of Bacon's, was sent over to the King of Denmark to borrow money for the Count Palatine,—money which was to be placed at his disposal, but on condition that it should be employed in the defence of the Palatinate: and Bacon sent another letter of compliment by him. Though written with the reserve and brevity which became the relation between them, it is easy in comparing it with the former letter, written nine months before, to read in it the change which had come over the aspect of Europe in the interval, through the events which followed the death of the Emperor Matthias.

SERENISSIMO AC POTENTISSIMO REGI AC DOMINO, DOMINO CHRISTIANO QUARTO, DEI GRATIA DANIÆ, NORVEGIÆ, VANDALORUM, GOTHORUMQUE &c. REGI, DOMINO SUO CLEMENTISSIMO.[1]

Serenissime Rex,

Cum vir generosus Robertus Amstrudder, eques auratus, servus regis nostri majorem in modum et habilis et acceptus, Vestræque Majestati unice deditus, mihique arctâ admodum necessitudine conjunctissimus, ad Serenitatem Suam profecturus esset, officio meo me defuturum existimavi nisi literas debitâ cum humilitate et reverentiâ ad Suam Serenitatem darem; quibus et animi mei propensissimum affectum testarer, et virtutum suarum me cultorem ingenuum profiterer, et servitia meâ quibuscunque in rebus usui esse possim Serenissimæ Majestati Vestræ offerrem. Cumque res jam caleant, et status Europæ cœperit esse commotior, et nova scœna ad exhibendam prudentiam regiam et virtutes heroicas jam apparata sit, Deum Optimum Maximum precor ut omnia felicem sortiantur exitum in ejus gloriam et religionis stabilimentum, et per quem effusioni sanguinis Christiani maxime parcatur, atque ut tales in eâ sint partes Regis nostri et Majestatis Vestræ quæ honores vestros, et salutem, necnon amplitudinem regnorum vestrorum, maxime cumulare et illustrare possint. Superest ut humillime exosculer manus Majestatis Vestræ, eique omnia prospera perpetuo exoptem.

Majestatis Vestræ omni observantiâ
et devotione servus addictissimus
FR. VERULAM, Canc.

28 Mart. 1620.

[1] 'Archæologia,' vol. xli.

"Sir Robert Anstruther, a very able and valued servant of my King, singularly devoted to your Majesty, and a very near ally of my own, being about to proceed to your Court, I thought I should fall short of my duty if I did not, with due humility and reverence, give him a letter for your Serenity; whereby I might both testify the strength of my own affection, and profess my sincere admiration for your virtues, and make offer of my services in whatever way they may be of use to your Majesty. And seeing that matters now grow hot, and the state of Europe begins to be more disturbed, and a new stage is preparing for the exhibition of kingly wisdom and heroic virtues, I pray Almighty God that all may have a happy issue, to his glory and the establishment of his religion, and such as may most spare the shedding of Christian blood; and that both my King and your Majesty may play such part in it as may most increase and illustrate your honours and conduce to the welfare and likewise to the amplitude of your kingdoms. It remains that I humbly kiss your Majesty's hands, and wish you always all prosperity."

To the Lord Chancellor.[1]

My honourable Lord,

Understanding that there hath been a long and tedious suit depending in the chancery between Robert D'Oyley and his wife, plaintiffs, and Leonard Loveis, defendant; which cause hath been heretofore ended by award, but is now revived again, and was in Michaelmas term last fully heard before your Lordship; at which hearing your Lordship did not give your opinion thereof, but were pleased to defer it, until breviats were delivered in on both sides, which as I am informed hath been done accordingly: now my desire unto your Lordship is, that you will be pleased to take some time as speedily as your Lordship may, to give your opinion thereof, and so make a final end, as your Lordship shall find the same in equity to deserve. For which I will ever rest

Your Lordship's faithful friend and servant,

G. Buckingham.

Windsor, 18 of May 1620.

3.

Among the undated letters in Stephens's catalogue, there is one which is described as "a long letter about setting the Treasury to rights and making a Lord Treasurer;" and beginning with the words, 'Your Ma. having bound me.' I suppose therefore that there was such a letter among the papers sent to Tenison in December, 1682, of which the greater number were finally deposited in the Lambeth library, where they still remain. Some however appear to have been separated from the rest, and either to have been lost or to have found their way into other collections; and this is one of them. I could find no paper at Lambeth answering the description, but there is one in the British Museum which answers it exactly; and being transcribed in the hand of Edward Sherburn, belonged most probably to some collection of Bacon's own papers. At any rate it is plainly his composition. It is a fair transcript as far as it goes, but it seems to break off in the middle, and has neither heading nor docket to fix the date. It must however have been written *before* the 7th of October, 1620, and probably some time before, because in recalling it then to the King's attention he refers to it as his "*former* counsel." And on the other hand it must have been written *after* the 19th of July, 1618, when the Earl of Suffolk was removed from the Treasurership; and certainly a considerable time after; because the many matters enumerated in it as having been already dealt with by the commissioners must have taken a long time

[1] Harl. MSS. 7000. Orig. Docketed, "18 May, My Lo. Marq[s] to your Lp. desiring to make an end between Doyley and Lovace."

to get through. That the King had "of late sprinkled them with some new commissioners" is a fact from which the probable date may perhaps be brought within narrower limits;[1] but in the meantime we cannot, I think, be far wrong in placing it here. The balance in the King's favour upon the year's accounts, which Bacon had reported twelve months before, had not been sufficient to meet the extraordinary expenditure, and "the King's state"—that is the state of the Exchequer—was still the great difficulty of the government. The "ancient and honourable," and in Bacon's opinion the only adequate, remedy (which was by Parliament,—and which upon his recommendation, or at least in accordance with it, was, in spite of previous failures, on the point of being tried once more in the autumn of 1615) had been postponed by causes which he would himself probably have considered sufficient. For I think that neither during the popular excitement about the murder of Overbury, nor while the King was bent upon arranging a marriage between his son and the Spanish Infanta, nor while Sir Walter Ralegh's proceedings were under enquiry and his execution fresh in memory, nor while the Bohemian Protestants were in insurrection and the King was unprepared to take up arms in their support, could he honestly have encouraged him to hope for help from the House of Commons. From the summer of 1615 therefore to the summer of 1620, it was only by the improvement and husbandry of the ordinary resources of the Crown that the King could be got out of debt. And in this way a great deal was done. At the death of Salisbury in 1612 the Crown was 500,000*l.* in debt, and the ordinary annual revenue fell short of the ordinary annual expenditure by 160,000*l.* At the beginning of 1617, about the time when Bacon received the seals, the ordinary revenue and expenditure had been brought nearly to an equality,—the receipts a little exceeding the expenses, but not much. What the debt then amounted to I have not been able to ascertain; but it was found necessary about the same time to borrow another 100,000*l.* In the following November a vigorous effort was made, as we have seen, to retrench the expenses of the household; and in July, 1618, when upon the removal of the Earl of Suffolk the treasurership was put in commission, a general reform in the management of the department was begun, and carried on with no inconsiderable success. The next year I find from a statement in Sir Henry Yelverton's handwriting that the ordinary revenue exceeded the ordinary expenditure by 47,000*l.*; the debt being then 800,000*l.* In January, 1619–20, the excess of the receipts over the

[1] Feb. 1619–20 (?) See Bacon's letter of the 10th, p. 77, "I would his M. had rested upon the first names. For the additionals, specially the Exchequer man," etc.

issues had risen to 61,555*l.*, all of which was free to be employed for the discharge of pressing extraordinaries. On the 25th of March following, the debt was only 711,026*l.* And on the 29th of September it had been further reduced (if I understand the record right) to 611,525*l.*[1] But though things were really improving, they were not improving nearly so fast as the case required, nor quite so fast (in Bacon's opinion) as the case admitted. And it must apparently have been some time between the two dates last mentioned—the 25th of March and the 29th of September, 1620—that he addressed to the King the letter which comes next.

To the King.[2]

It may please your Majesty,

Your Majesty having bound me both by your benefits and by your trust, which is no less obligation than the other, to have care of your estate,—in most things prosperous, but in that which is equivalent to most things defective,—will be pleased I know not only to accept of the tribute of my poor intentions, but also to pardon and allow me to acquit myself with that liberty which the good of your service requires. And as my duty bindeth me to use liberty in respect of all others; considering it should be a poorness in me, your Majesty having set so few on my right hand, to fear who stands on my left; so your grace and wisdom will give me leave to use it even towards yourself; seeing it proceedeth from a heart which you know is full of reverence and admiration towards you, and from one that useth not to urge his counsels to engage his master, but as a servant should, subjecting free counsel to the free will and pleasure of your Majesty, who determines the choice.

That which must help your Majesty's estate must be matter, order, and removing of impediments; and because the first two I know will rather be a troubling of the waters than any great fishing, except the third be first looked into, it is that wherewith I will begin.

First, I am of opinion (with due submission be it spoken) that considering to what pass your Majesty's estate is now come, it is not a Commission of Treasury that can help it, but that your Majesty is to make choice of an officer, as heretofore it hath been.

[1] S. P. Dom. 29 Sept. 1620.

[2] Harl MSS. 3787, f. 187. Fair copy in E. Sherburn's hand. Docketed in another hand, "To his Majesty concerning his present estate and the means to rectify it."

It is true, and I will be bold to speak it, that the Commission hath done you good service, and hath kept things from precipitating; and although all things wax old, yet I think we do rather increase in skill than slacken in care; and your Majesty of late hath sprinkled us with some new commissioners: nay this I persuade myself, that we shall be able to set the clock and to make more perfect instructions for a Lord Treasurer and an Exchequer, as well for guiding them as for refraining them, than ever were heretofore. But yet I humbly pray your Majesty, with a settled consideration and exciting your own wisdom, to behold the reasons which I shall set before you concerning this counsel; and let not the regard of persons be the principal, but of the nature of your affairs and the times. I for my part may truly say that in this I do not consult with flesh and blood; for neither do I seek in it my own ease, as one that, God is my witness, measureth not my life by years and days, but by services and doing good as much as in me lieth; neither have I any special aim for the bringing in of any man otherwise than *in lumine puro et sicco*, who shall bear in his forehead the best character of fitness for your service.

My first reason is, that the Commission is *tardum auxilium*, specially in so great declination of your means as rather needeth sudden shoring up and reparation than models of new re-edifying; and again for that the disease eats out the remedies if they be not speedy; neither hath this been any fault in your commissioners; but it is not possible that a body of many should meet in time, meet in place, meet in mind, answerable to the assiduous care, constant pursuit, and peremptory commandment of one man.

I may remember that when the Impositions were set by my Lord of Salisbury, which amounted to between threescore or fourscore thousand pounds per annum, although it were an immature counsel and cause of much mischief following, yet comparing it in that for which I bring it, which is the point of time, it was the work of one morning; whereas when I consider what time hath been spent by us (and yet no time lost) about settling the pretermitted duties, about the bargaining for tobacco, about the discharge of unnecessary officers of revenue of land, about the like concerning the revenue at the ports, about the revenue of recusants, about the settling of the alienations (which nevertheless was the speediest), about the Mint, about looking

into defalcations, about the bringing in of your debts (which had a pretty current at the first), about the waterworks, about the allum, about the casualties, about letting of copses that lie out of parks, about the coals, about keeping the forest of Deane from spoil, and many other branches, whereof some are settled at last, and some are in way, and some are in no way; and then weigh with myself in what time these things mought have been done by an officer of understanding and authority with his ministerial assistants, and what your Majesty might have gained both to purse and to forwardness to a general settlement, if they had been done in such time; I must think that there hath been great loss in the inning of your Majesty's harvest, whereof I see no cause, except it should stay for fouler weather.

A second reason is, that the Commission wants the high prerogative of kings' affairs, which is Secrecy; wherein first your Majesty will easily believe that the very divulging and noising of your wants (begun first by the Earl of Salisbury upon art, and since continued upon a kind of necessity in respect of a commission to many) is no small prejudice to your estate both at home and abroad. But that is not it only; but how many directions are there concerning this harsh business of getting treasure, that are fitter to be given by your Majesty in private to a Lord Treasurer than communicated? nay fitter to be done by him *ex officio* than as by direction? And again how many things are there in execution fitter by him to be done *de facto et sine strepitu*, than by a Commission where they must be debated and conceived into an order? Lastly, how many things would men pragmatical and of industry be encouraged to put into the ear of a Lord Treasurer, which they are fearful to bring into the dispute of a Commission, as making account that when they bring it but to one man they can be but rejected, where they bring it to many they shall be noted? And although most of those things be naught, yet it is not good (specially as your Majesty's estate is) to scare away informations.

The third reason is, that your Majesty's estate requires in point of treasure not only fidelity and judgment, but invention and stirring and assiduity and pursuit, with edifying one thing upon another; all which cannot possibly be done by a Commission where the care lies not principally upon one or two men. And somewhat it is also, that an officer is more answerable to your

Majesty than a Commission in justice can be; specially for omissions and neglects and delays, which in this decay of your Majesty's estate, though they are not so culpable, yet they are in effect as prejudicial as misdoings.

Fourthly, whereas many things are to be done concerning your treasure, sometimes by commission, sometimes by communication with the rest of your Council, it is not possible that those services can proceed with that strength and authority, nor be urged in that manner, as if there were a Lord Treasurer to whose place the business properly belongs, and who may decently, and without envy or challenge, declare himself stout and resolute in the business in respect of the greatness and duty of his place; whereas if others do it they shall be accounted but officious and undertaking, and are exposed to envy and crossing; it being the manner of men in things wherein they are not properly interessed rather to be either cold or opposite, or popularly pleasing, than concurrent.

Lastly, whereas that which is to be feared in an officer more than in a Commission is corruption, serving his own ends, presumption, close carriage to your prejudice, and the like; all this in respect of this fresh example needeth much less to be feared; so as your Majesty shall have the good of an officer without the bad as things now stand; and besides, as I said in the beginning, the Commission shall be able to set the clock to a Lord Treasurer by instructions.

These reasons are but few in number, but in my poor opinion of great truth and weight; whereof nevertheless your Majesty in your better judgment, whereunto I humbly submit myself, will more deeply discern than I can.

The second impediment, which if it be not removed I shall hope for little good, is a course taken and almost grown into a principle that it should so be, which is that your business in this kind goes on by one and by one, and not at once, and rather by shifts to stop gaps from time to time, than by any sound establishments; so that according to the ordinary proverb of the woman that roasted her hen by faggot-sticks, stick after stick, the faggot is burnt and the hen not roasted. This is but to let unto your Majesty a lease for life of want and misery; and I must ingenuously confess, if that be the way, I am utterly unfit for those coun-

sels; though I have done my best in them; but with a great deal of dislike of the course. In this your Majesty may be pleased to observe that the same thing is not good for your Majesty which is good for your servants; for it is good for them to drop out their services that they may be continually in use, and to stay sometimes till your Majesty be at a plunge, that their service may be the better imprinted and remembered. But it is good for your Majesty, nay necessary as the case is, that your business be set forward in many parts at once, and that you be kept from streights afar off, and not only eased a little when they press you. Neither am I so simple or unwrought in business as to think that [all] things can be executed at once, for he that thinks all things can go on at once, I should think his head were full of wind. But on the other side, he that shall consult or provide but for one thing at once shall never overcome any great difficulties. Therefore, as your Majesty was wont to say, Order is the daughter of Heaven, which consists not of one orb to stay after another, but moves at once but without confusion. So that, as I have often advised, except your Majesty do land your business in some sort, or at least anchor it, and not only cut through every wave, neither your state nor your royal heart can be at any wished rest. And better it were to cut twenty ends of Gordias' knot together, though with great difficulty at the first, than to seek to wind the ends out with an endless trouble.

How this may be done, *Hoc opus, hic labor est.* But without a resolution that this must be the course in one kind or another, all the rest is but entertainment of time. And this the rather, for that your Majesty may be pleased to note that whatsoever you do at once is for yourself; whatsoever you do by one and by one is for suitors: as Baronets and Creations, when they were together, the profit went to your Majesty; now they come scattered, it is but suits. So the raising of some rates of your custom or imposts, if it had been at once it mought have been your Majesty's; but coming one after another, it is but suits and bounty.

A third and last impediment (of those that go to the main) is that there is no handsome course taken to free your Majesty (who are of so royal and bountiful a nature) from importunity of suitors; I mean touching matters of benefit and reward. But your Majesty is still in a streight, that either your means or

your mind must suffer. For to grant all suits were to undo yourself, or your people. To deny all suits were to see never a contented face. To this end it is true that I did ever advise the continuing and upholding the Commission of Suits; but it having been once down and now a little up again, it is esteemed but a trick of denial and does not ease your Majesty enough. And therefore it is no way to refer to the same commissioners, either of suits or treasury, but to make sorted and distributed references, and to let every man bear part of the envy; and likewise to encourage your officers in stopping suits at the seals, and withal privately to forewarn your Learned Counsel, who upon my knowledge were wont to be more negative. But above all to make a good Lord Treasurer, whose proper duty is, in this state your Majesty is in, to stir in these cases, and to stop suits, put back pensions, check allowances, question merits, translate the suit from the suitor to your Majesty in a proportion; and in short to be a screen to your Majesty in things of this nature; such as was the Lord Burleigh for many years, since whose time the succeeding examples have been such as my last Lord Chancellor well said of them, *Quæ magis nocent quam docent.*

Here the manuscript unfortunately stops, though the letter does not appear to be ended, and the two remaining questions of "matter" and "order" are still untouched. Its fate was to remain under consideration till the beginning of October; by which time a new chance had offered itself.

4.

The next letter informs us of another occasional work of Bacon's which I should have been glad to see, but have not succeeded in finding. The uses to which the Star Chamber was put in the next reign, and which caused its precipitate dissolution with universal consent and applause within little more than twenty years from this time, are so associated in popular imagination with its name, that the very tradition of its proper functions and real character has been lost. The records of its proceedings, which were carefully kept, appear to have been abolished along with it; for they are nowhere to be found; and our more learned historians occupy themselves in discussions of its antiquity and origin, of the right by which it existed, the extent of the powers which it assumed, and the use which was or might have been made of them to support

the usurpations of the prerogative; but the actual constitution of the Court, the rules by which it was practically governed, and the conditions under which its powers were exercised, have been so little understood or so imperfectly explained that most people now think of it as a tribunal whose decisions were at the absolute disposal of the crown. It is true indeed, as Hume observes, that "its authority was at no time circumscribed nor its method of proceeding directed, by any law or statute;"[1] that its members consisted of persons "who, all of them, enjoyed their offices during pleasure;"[2] that the trials were not by jury; and therefore that, in the hands of a king who could afford to disregard opinion, it was a very powerful instrument and might be turned to very despotic uses. But so might the Courts of Common Law be—the intervention of the Jury notwithstanding: for the common-law Judges also held their offices during pleasure, and a single Judge that way disposed could turn his office to more fatal uses than the whole quorum of the Star Chamber; who could never go beyond fine and imprisonment; and who, if they were trusted (as all judges must be) with a large discretion, were at the same time restricted in the exercise of it by all the conditions which are usually found effective in preventing abuse. They were all men of high position, subject to observation, and having reputations to lose. The proceedings of the Court were public,[3] formal, elaborate, and governed by precedent. No cause could be heard if less than eight were present, and in giving sentence each member had to declare his own judgment separately, with his reasons,—the lowest beginning and the rest following in order. It is clear that in ordinary times such a body could not have been a *convenient* instrument of an unpopular policy. A king strong enough *otherwise* to defy his laws and his people might possibly succeed in working it, and a weak one in difficulties might be tempted to try: but popular indignation is a powerful deterrent, and to find eight men in high place of whom as many as five could be counted on as willing to make themselves personally and publicly responsible for unpopular acts which they felt to be unjustifiable, must in ordinary times have been extremely difficult. Accordingly,

[1] Hist. of Eng. vol. vi. p. 160.

[2] Id. vol. v. p. 453. Almost all. But there were bishops among them, of whom this could not be said.

[3] I believe it is commonly supposed now to have been a *secret* tribunal. On the 22nd of June, 1871, Mr. C. Dawson, arguing against the Ballot Bill, and observing that the best correction of bribery was public opinion, "added that the Ballot would destroy all this moral influence and *introduce into the British Constitution the spirit of the Star Chamber.* He would record his vote against this *secret, silent and insidious system.*" (Daily News, 23 June, 1871.)

among the grievances complained of by the Parliaments of Elizabeth and James I. we do not find any mention of the Star Chamber; and though in the pamphlets and news-letters of the time complaints may probably be found against particular sentences, there were no symptoms as yet of a tendency to denounce the institution itself as an evil, Before the reign of Charles I., I doubt whether any man whose opinion carries weight would have condemned it.[1] Certainly, not many years before, two men whose opinions ought to carry very great weight spoke of it in terms which almost exclude the supposition that its value as an institution was at that time considered disputable. No two men had had more experience of the working of the Star Chamber—few had had better opportunities of watching the administration of justice generally—than Bacon and Coke. Both of them have recorded their opinion of it in books which were meant for posterity, and where they could have no motive for saying what they did not think.

"It is the most honourable Court," says Coke, writing in his old age, when he was no longer a servant of the Crown but a leader of the popular cause in the House of Commons—"(our parliament excepted) that is in the Christian world, both in respect of the judges of the Court, and of their honourable proceeding according to their just jurisdiction and the ancient and just orders of the Court. For the Judges of the same are (as you have heard) the grandees of the realm, the Lord Chancellor, the Lord Treasurer, the Lord President of the King's Council, the Lord Privy Seal, all the Lords spiritual, temporal, and others of the King's most

[1] Hume, in describing the practice of the Star Chamber in 1634, observes in passing that it was "no innovation,"—the change being in "the disposition of the people," which made them "repine more at this grievous servitude;" which they had suffered, it would seem, in the previous reign with less impatience. The remark appears to have been suggested by the discovery that one of the cases quoted in illustration belonged to the reign of James I. That case, however, (for which he refers to Lord Lansdowne the poet, as his authority) is altogether misreported and misunderstood; and as it happens to be one of which I have had occasion to give a full and correct account in my last volume, it may be worth while to add his version of it here,—that the two may be compared. It would not be easy to find a better example of a case misstated and misconstrued in *every* point which is material.

"Sir George Markham following a chase where the Lord Darcy's huntsman was exercising his hounds, kept closer to the dogs than was thought proper by the huntsman, who, besides other rudeness, gave him foul language, which Sir George returned with a stroke of his whip. The fellow threatened to complain to his master; the Knight replied, If his master would justify such insolence he would serve him in the same manner, or words to that effect. Sir George was cited to the Star Chamber and fined 10,000 pounds. *So fine a thing was it in those days to be a lord*—a very natural reflection of Lord Lansdowne's in relating this incident." Hist. of Engl. ch. lii. p. 242.

Enough remains here of the less material features of the story to identify it as the case of provocation to duel explained in Vol. VI. p. 103: one of the best examples of the *good* uses which might be made of a tribunal like the Star Chamber; and certainly no example of the advantage of being a lord. Hume has slightly abridged Lord Landsdowne's story, which will be found in his "Vindication of Sir Richard Granville," (works, vol. ii, p. 198, Ed. 1736), but has not substantially altered it.

honourable Privy Council, and the principal Judges of the realm, and such other Lords of Parliament as the King shall name. And they judge upon confession or deposition of witnesses: and the Court cannot sit for hearing of causes under the number of eight at the least. And it is truly said, *Curia Camerœ stellatæ, si vetustatem spectemus, est antiquissima, si dignitatem, honoratissima.* This Court, the right institution and ancient orders thereof being observed, doth keep all England quiet."[1]

"This Court," says Bacon, writing in 1621,—"is one of the sagest and noblest institutions of this kingdom. For in the distribution of courts of ordinary justice . . . . . there was nevertheless always reserved a high and pre-eminent power to the King's Council, in causes that might in example or consequence concern the state of the commonwealth; which if they were criminal the Council used to sit in the chamber called the Star Chamber, if civil, in the white chamber, or Whitehall. And as the Chancery had the prætorian power for equity, so the Star Chamber had the censorian power for offences under the degree of capital. This Court of Star Chamber is compounded of good elements, for it consisteth of four kinds of persons—Councillors, Peers, Prelates, and Chief Judges. It discerneth also principally of four kinds of causes,—forces, frauds, crimes various of stellionate, and the inchoations or middle acts towards crimes capital or heinous, not actually committed or perpetrated."[2]

This Bacon wrote in his history of Henry VII., in mentioning the act passed in the 3rd year of that reign, "giving the Court of Star Chamber authority to punish divers misdemeanours." But his opinion of it as a politic institution appears still more clearly and unmistakably in his great work *De Augmentis Scientiarum* (published in 1623), where among the specimens of books which are wanted, is the beginning of a treatise on "Universal Justice, or the Fountains of Law," the object of which should be to give a general character of administrative justice according to the true idea of it, drawn not from the institutions of any particular state, but from the universal laws of human society; by which, as by a pattern, particular kingdoms and commonwealths might prove and amend their own laws. Now one of the principal features in this model (so far as it is drawn out) is the institution of prætorian and censorian courts to supply the deficiencies of the laws; that is, to deal with cases for which the laws have failed to provide: and if his ideal description of the constitution and functions of the *censorian* court be compared with those of the Star Chamber as it was in his time, it may well be suspected that it sate for the picture.

I may be asked indeed how it came that an institution which deserved such a character as this up to the end of James the First's

[1] Institutes, part iv. ch. 5. [2] Works, vol. vi. p. 85.

reign was swept away only sixteen years after, with universal consent,—without a struggle, or a hope, or a regret. My answer is, that a King who was *not* otherwise strong enough to defy his people attempted to do it by means of the Star Chamber, and so provoked them to take it away from him. The impossibility of obtaining supplies from Parliament except upon conditions to which he could not submit had driven Charles to extraordinary ways of raising money.

"For the better support of these extraordinary ways, and to protect the agents and instruments who must be employed in them, and to discountenance and suppress all bold inquirers and opposers, the Council-Table and Star-Chamber enlarge their jurisdictions to a vast extent, 'holding (as Thucydides said of the Athenians) for honourable that which pleased and for just that which profited.' And being the same persons in several rooms, grew both courts of law to determine right, and courts of revenue to bring money into the Treasury: the Council-Table by proclamations enjoining to the people what was not enjoined by the law, and prohibiting that which was not prohibited: and the Star-Chamber censuring the breach and disobedience to those proclamations by very great fines and imprisonment; so that any disrespect to any acts of state or to the persons of statesmen was in no time more penal, and those foundations of right by which men valued their security, to the apprehension and understanding of wise men, never more in danger to be destroyed."[1]

And again:—

"The exorbitances of this court had been such (as hath been before touched) that there were very few persons of quality who had not suffered or been perplexed by the weight or fear of those censures and judgments. For having extended their jurisdiction from riots, perjuries, and the most notorious misdemeanours to an asserting all proclamations and orders of state; to the vindicating illegal commissions, and grants of monopolies (all which were the chief groundworks of their late proceedings) no man could hope to be longer free from the inquisition of that Court than he resolved to submit to those and the like extraordinary courses. And therefore there was an entire inclination to limit and regulate the proceedings of that Court: to which purpose a bill was brought in,"[2] etc.

He then relates how a bill which was intended for the regulation of the Court grew by a kind of accident into a bill for its total abolition, was passed by the Commons contrary to all precedent upon a single reading without being committed, met with no opposition in the House of Lords, and so received the Royal Assent;—and concludes the story in words which show that as to the value of

[1] Clarendon, book i. p. 122. [2] *Id.* book iii. p. 400,

the institution when placed under proper regulation, he entirely agreed with Coke and Bacon.

"Thus fell that high Court, a great branch of the Prerogative; having rather been extended and confirmed than founded by that Statute of the tenth[1] year of K. Henry VII., for no doubt it had both a being and a jurisdiction before that time, though vulgarly it received date from thence; and whilst it was gravely and moderately governed, was an excellent expedient to preserve the dignity of the King, the honour of his Council, and the peace and security of the kingdom. But the taking it away was an act very popular; which it may be was not then more politic than the reviving it may be thought hereafter, when the present distempers shall be expired."[2]

If the abuses which were felt to be so intolerable and thought to be so incorrigible arose (as it seems they did) from the undue extension of the jurisdiction of the Court, it must have been for want of public rules defining its jurisdiction and regulating its procedure. And this defect Bacon seems to have observed already, and designed to remedy. For a set of "rules for the Star Chamber" which were to constitute a "durable pillar for the justice of this kingdom in perpetuity" can hardly have had any other object. In the beginning of June 1620, when there was no outcry against the Court,[3] he wrote to Buckingham as follows:—

To the Marquis of Buckingham.[4]

My very good Lord,

I went to Kew for pleasure, but I met with pain. But neither pleasure nor pain can withdraw my mind from thinking of his Majesty's service. And because his Majesty shall see how I was occupied at Kew, I send him these papers of Rules for the

[1] So printed. It should evidently be "third."

[2] Clarendon, book iii. p. 401.

[3] There were some symptoms however about this time of popular murmur against the extent of jurisdiction assumed; and it pointed to the very abuse which brought the Court to an untimely end. "Indeed," says Chamberlain, writing on the 8th of July 1620, "the world is now much terrified with the Star-Chamber, there being not so little an offence against any proclamation but is liable and subject to the censure of that court." He does not however mention any particular case in which its power seems to have been abused; and the question whether an offence against a proclamation was justly censurable depends upon the question whether it was a proclamation *of the law*, or only of the King's pleasure. But the existence of the murmur may have suggested to Bacon the application of the remedy.

[4] Gibson Papers, vol. viii. fo. 126. Copy. No fly-leaf. Indorsed, "To Ld Marq^s Buck. concerning orders and rules of the Star-Chamber. Sent by Mr. Huggans."

Star-Chamber; wherein his Majesty shall erect one of the noblest and durablest pillars for the justice of this kingdom in perpetuity that can be; after by his own wisdom and the advice of his Lords he shall have revised them, and established them. The manner and circumstances I refer to my attending his Majesty. The rules are not all set down, but I will do the rest within two or three days. I ever remain

Your Lordship's most obliged friend,
and faithful servant,
FR. VERULAM, Canc.

9 June 1620.

Whatever the *form* of the enclosed Rules may have been, the principles to which they were to give effect would no doubt be those which are laid down in the aphorisms concerning Censorian Courts: of which (as the best supply of the lost paper which I can offer) I subjoin a translation.

APHORISM 32.

Let there be Courts and jurisdictions which may decide according to the judgment and discretion of a good man, in cases where the rule of law fails. For the law (as has been said before) cannot be framed to meet all cases; but is adapted to such as generally occur. But Time, as was said of old, is the wisest of things, and the author and inventor every day of new cases.

APHORISM 33.

New cases occur both in criminal and civil causes; in criminal, requiring punishment; in civil, requiring relief. The Courts which deal with the former we call *Censorian;* those which deal with the latter *Prætorian.*

APHORISM 34.

Let the Censorian Courts have jurisdiction and power not only to punish new offences, but also to increase the punishments prescribed by the law for old offences, where the cases are heinous and enormous. For what is enormous is in a manner new.

Aphorism 35.

Let the Prætorian Courts in like manner have power as well to give relief against the *rigour* of the law, as to supply the *defect* of the law. For if a remedy be due to one whom the law has forgotten, much more to one whom it has wounded.

Aphorism 36.

Let these Censorian and Prætorian Courts confine themselves to cases enormous and extraordinary; and not encroach upon the ordinary jurisdictions: lest the thing tend rather to supplant the law than to supply it.

Aphorism 37.

Let these jurisdictions reside in the Supreme Courts only, and not be communicated to the Inferior. For the power to supply, extend, or moderate laws, comes very near to the power of making laws.

Aphorism 38.

But let not these Courts be committed to a single person; but consist of several. And let their decrees not go forth in silence; but let the Judges state their reasons, and that openly before the bystanders; so that the authority, which in respect of power is free, may yet be circumscribed in respect of fame and opinion.

Aphorism 39.

Let them not have authority to shed blood; nor let any capital sentence be pronounced by any court whatever except according to a law known and certain. God himself denounced death before he inflicted it: and no man ought to be deprived of his life, who did not know beforehand that he was sinning against his life.

Aphorism 40.

In the Censorian Courts let there be a third vote allowed; that is, that the judges be not obliged either to acquit or condemn, but may likewise declare the fact not proven. And let there be power to inflict not a penalty only, but also a note or

mark; such, I mean, as shall not extend to actual punishment, but may end either in admonition only, or in a light disgrace,—punishing the offender as it were with a blush.

APHORISM 41.

In the Censorian Courts let the inchoating and middle acts towards all great crimes be punished, though the fact be not accomplished. For it is as well the part of severity to punish the beginnings of crimes, as of mercy to prevent (by punishing the middle acts) the perpetration of them.[1]

The business which was next coming before the Star Chamber was one belonging to its proper jurisdiction, as then understood. A new charter had been granted to the City of London, which contained some objectionable clauses, and it was found upon inquiry that they had been inserted by the Attorney-General without sufficient warrant. The Attorney-General being the officer upon whom the King depended for a knowledge of the effect of what he signed, an inaccurate or negligent report in such a case was reckoned a grave delinquency. It seems that he was ready to confess the error and to make submission in writing, and that the City was also willing to surrender its patent. Nor was it supposed to be the King's intention to visit the error with any great severity. But it was considered that the public and formal hearing before the Court could not be dispensed with; the example, and the satisfaction of the King's honour, requiring it. This we learn from the letter from the Council which follows. The particulars of the charge will appear presently in the report of the trial, and therefore it is not necessary to say more here.

TO THE KING.[2]

May it please your most excellent Majesty,

According to your commandment we met together yesterday at Whitehall, and there consulted what course were fittest to be taken now in this business of your Majesty's Attorney-General, both for the satisfying your own honour, as also for calling in the late exorbitant charter of the city; which are the

[1] Works, vol. i. p. 810.

[2] Stephens's first collection, p. 248. From the original. Second collection, p. 109.

two ends, as we conceive, that your Majesty proposed unto yourself.

To effect both which, we humbly presume to present thus much unto your Majesty as our opinion. First, that an Information be put into the Star Chamber, as we formerly advised, against your Attorney as delinquent, against the Mayor, etc., as interessed, and against the Recorder also mixtly with some touch of charge.

That the submission by letter offered by Mr. Attorney is no way satisfactory for your Majesty's honour, but is to be of record by way of answer, and deduced to more particulars.

That any submission or surrender of the patents by the city should be also of record in their answer; and no other can be received with your Majesty's honour, but by answer in court: the same to come merely of themselves, without any motion on your Majesty's behalf, directly or indirectly; which being done in this form, it will be afterwards in your Majesty's choice and pleasure to use mercy, and to suspend any farther proceedings against your Attorney.

That it is of necessity as well for the putting in of this information, as for your Majesty's other urgent and public services in that and other courts, to have a sequestration presently of your Attorney, and a provisional commission to some other during your Majesty's pleasure to execute that charge. For both which, instruments legal shall be provided as soon as your Majesty's pleasure is known. To which we humbly and dutifully submit our advice and opinion, beseeching God to bless your Majesty's sacred person with continuance and increase of much health and happiness. Wherewith humbly kissing your royal hands, we rest

Your Majesty's most humble
and faithful subjects and servants,

Fr. Verulam, Canc.	T. Arundel,
Robert Naunton,	Geo. Calvert,
Jul. Cæsar,	Edw. Coke.

At your Majesty's Palace of
Whitehall, 16 June, 1620.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

I have lately certified his Majesty on the behalf of Sir George Chaworth, by Secretary Calvert, touching the place of a Remembrancer in the Chancery for setting down of causes. And because the gentleman telleth me, the King thought my certificate a little doubtful, he desired me to write to your Lordship touching my approbation more plainly. It is true that I conceive it to be a good business, and will be for the service of the court and ease of the subject; I will look it shall be accompanied with good cautions.

We ruffle over business here in council apace, and I think to reasonable good purpose. By my next I will write of some fit particulars. I ever rest

Your most obliged friend and faithful servant,

FR. VERULAM, Canc.

21 June, 1620.

5.

The work which comes next in order, though short and requiring but little introduction, seems weighty enough to deserve a section to itself.

The relations between Bacon and Whitelocke, though not personally unfriendly—at least on Bacon's side—had been politically antagonistic, and had brought them occasionally into unpleasant collision. In 1610 when the House of Commons disputed and assumed to overrule the judgment of the Court of Exchequer in Bates's case, Whitelocke by his own account[2] was the man who first put the house on the scent, and kept them steady in pursuit, till it ended in the "grand committee on Impositions," and the ultimate defeat of the whole plan and policy of the government—Bacon, as Solicitor-General, fighting strongly on the other side. In 1614, when the same question came on again with a similar result, Whitelocke was again in the front rank of the battle, and was one of the members of the Committee of Conference who were ordered immediately after the dissolution to deliver in their notes to the Council that they might be burned.[3] With this, it is true,

[1] Stephens's first collection, p. 249. From the original. Second collection, p. 110.

[2] Lib. Famelicus. p. 24.

[3] Ib. pp. 41–43.

Bacon could have nothing to do,—having himself consented, either from policy or change of opinion on the point of law, to act *with* the offending parties. But between these two occasions a collision had occurred of a disagreeable kind. When in 1612 Whitelocke had laid himself open to a charge of "contempt" by a criticism of a Royal Commission for enquiring into abuses in the administration of the Navy, it fell to Bacon's share, as one of the Learned Counsel, to set forth his offence, and afterwards to persuade him to make a submission which went much against the grain. And again in 1616, when Whitelocke (to use his own phrase) was "blown out of the office of the King's Bench," it was Bacon's lot to represent to him the expediency of surrendering a reversion of some value. The office out of which he was blown was one which entitled the holder to all fees paid for enrolment of Pleas in the Court of King's Bench. It was then held by Sir John Roper. But the reversion had been granted to the Earl of Somerset and Lord Harington jointly: each of whom had appointed a deputy to hold the patent and execute the office for him, under covenant to pay over the proceeds, retaining a twelfth part for execution. Lord Harington had chosen Whitelocke, and assigned to him "the benefit of one moiety of the office"—meaning, I suppose, the twelfth part of his half of the proceeds. Upon the death of Lord Harington his representatives sold their interest in the reversion to Somerset; who being now sole possessor, and not wanting more than one person to execute, concluded a new arrangement with Whitelocke, under which, in consideration of 800*l.* paid down, he covenanted "to surrender up the office at his request, and not execute it but by warrant under his hand and seal."[2] Then came the attainder of Somerset in 1616; which brought the reversion again (by forfeiture) into the King's hands. The King transferred it to Villiers; in whose interest Sir John Roper (now made Lord Teynham to make him more agreeable) consented that a grant of the office should be made "to two persons for their lives; putting in security to make him [Lord T.] a true account of all profits during his life; and themselves to have nothing, nor to meddle with the execution."[3] Lord Teynham wished Whitelocke to be one of the two (whereby he would apparently have been replaced in the position which he had received the 800*l.* for surrendering), but Villiers preferred a dependent of his own; and Bacon undertook to arrange it. The

[1] Whitelocke's words are "the benefit of one moiety of Sir John Roper's office, which was settled on me by his appointment."

[2] Lib. Fam. p. 46.

[3] Ib. p. 58.

other deputy, Robert Heath, was to be reinstated, and therefore there would be no difficulty with him. But Whitelocke's case was different both ways. On the one hand he would be a loser, but on the other hand he had bound himself for a consideration to surrender at request. Bacon told him that "he wished him better than to have him a clerk-accomptant, and bade him go on in the course he was in, and he would do him more good that way;" and whether or not he convinced him that it would be his better course, I suppose he satisfied him that under the terms of his covenant he could not refuse. For on the 18th of November he was served with a mandate under the Privy Seal requiring the surrender, and on the 19th it was made in due form. But though Whitelocke admits that he "made no great suit to continue in," and it may be true that he made no difficulty about surrendering, it is clear from the tone of his narrative that he did not at all like it, but thought himself ill-used, and took Bacon's complimentary speeches for so many fair words that meant nothing. In this however he was mistaken. Bacon had long had him on his list of able lawyers to be recommended for employment. In 1614 he set his name first on the list of men eligible for the proposed office of law reporter.[1] When he became Lord Keeper he gave him at his first interview "very noble and kind words of encouragement."[2] And though in 1618, when the Lord Mayor and Aldermen wanted to make Whitelocke Recorder, he supported Buckingham's nominee, he had now the satisfaction of promoting him to an important office in the State. Sir Thomas Chamberlain who had been Chief Justice of Chester was to be transferred to the King's Bench, and Whitelocke was appointed to succeed him. By way of qualification for the appointment he had to be made a serjeant at law. He presented his writ to the Lord Chancellor on the 29th of June, who addressed him in a short speech, of which we have the following note, made apparently by a very attentive and intelligent listener.

NOTES OF MY LORD CHANCELLOR'S SPEECH IN CHANCERY TO MR. WHITLOCK, 29th JUNE, 1620, WHEN HE WAS TO RECEIVE HIS OATH AS A SERJEANT AT CHANCERY BAR, AND TO BE PUT TO BE CHIEF JUSTICE OF CHESTER.[3]

Mr. Whitlock,

The King's most excellent Majesty, being well informed of your sufficiency, hath out of his favour grounded upon your

[1] See Vol. V. p. 86. [2] Lib. Fam. p. 55.
[3] Harl. MSS. 1576. 206.

merit, well impressed by good and due information, called you now to the state and degree of a serjeant at law; but with an intention not to stay you there, but to raise you higher to serve him as Chief Justice of Chester, in the place of Sir Thomas Chamberlaine whom he doth resolve to call home to be his judge here in the King's Bench. You are the more bound to the King by how much more the time doth flourish with able and learned men, whereof the age is full.

That that I shall say to you shall be in few words and in two kinds. I will not speak at all to matter of pleading, for you are not to plead merely, but the degree of serjeant is a step to your other place.

First therefore, I shall speak of the duty of a Judge in general and then of the proprieties thereof applied in particular to the place you go to.

For the duty of a Judge in general it is a common-place often spoken of: the ground of all is the science and knowledge of the common law, the statutes of the kingdom, and the customs of the realm, according to which you are to deal in this your place. You are well read in the law and well seen in *archivis regni*: you are a man diligent and expert in the records of the kingdom, which is a great supplemental and light to the law. Yet now keep no holiday, no not in study, nor go from your books to your brain; but continue then your study as well as now when you are a serjeant and practiser. Be patient in hearing of causes; for what is it the better if a judge be learned in general and *in thesi*, if he be not attentive to hear the causes before him? Have patience therefore in hearing; make no catching hearings; have a slow pace. Judges make no haste. Keep your hands clean, and the hands of your servants that are about you:[1] keep them in awe, that they may not dare to move you in things unfit. Fly all bribery and corruption, and preserve your integrity, not respecting any in course of justice; for what avails it if you should be incorrupt and yet should be partial and a respecter of persons? As Solomon saith, *To have respect of persons is not good: for for a piece of bread that man will transgress:* as who should say, bribes come but now and then; but if a man be affectionate or

[1] It is a singular fact that these words were spoken on the same day on which Bacon himself made the final order in Lady Wharton's case, having only two or three days before accepted a purse from her with 100*l.* in it. See Gardiner's *P. Charles and the Spanish Marriage*, vol. i. p. 445.

a time or a turn server, that will come every day: lastly, I would have you take care that you be not overawed: fear no man's face; be stout and courageous in causes of justice: but when I say this to you I mean that you should be strong hearted and not strong headed.

I pass from the general duties of a Judge, because it is every day spoken of, to the things that concern the proprieties of your place, in which you have two respects; one, as Judge of Chester; another as having a principal place in matters of advice in Council of State.

In regard of the first, keep good quarter with Westminster Hall, and make no new clashes of renewing old sores, but study well your instructions, and be sure you exceed them not: then shall I be ready to stretch my hand and arm to help you: claim it at my hands when you will. You are a great Judge in a provincial Council, and what are they ordained for? First for the ease of the subject, that subjects should at less charge have law: secondly, because great men should not oppress the poor and harry them up to Westminster Hall. First therefore, let there be an ease of charge; for if the Courts there shall pole and multiply charge upon the people, then that which was ordained for ease of charge will turn to a surcharge.

Secondly, look to suppress the power of such gentlemen in the country that seek to oppress and suppress their poor neighbours; for it is no great ill thing in a Judge (though I have heard it hath been laid to some men's charge) that in causes before them the poor have advantage against the rich. If it be so, it is an error on the best side.

Lastly, my advice is that you keep a good correspondency with the Lord President, under whom in a manner you serve: for which I shall say unto you as I said unto Sir William Jones, be not too servile nor too severe.

I might have spoken all this in a few words, in the example of one man, your predecessor; who for religion, for learning, for stoutness in course of justice, for watchfulness over the peace of the people, and for relation of matters of state to the Council here, I have not known (no dispraise to any) a better servant to the King in his place: follow him: and so for this time I shall wish you all well fare.

CHAPTER IV.

A.D. 1620–21. JULY–JANUARY. ÆTAT. 60.

1.

THE state of the Exchequer continued to be Bacon's great subject of anxiety. His last letter of advice had as yet produced no effect. The Commissioners were working on as they could, but without any prospect of effecting a cure; and the King's study of the Bohemian question had not yet enabled him to take an attitude which would ensure him the sympathy of another Parliament. The proofs of the validity of Frederick's election which he had asked for had been laid before him in January, and about the same time an argument on the opposite side had been submitted on the part of Spain.[1] His conclusion upon reading both sides was that though the estates of Bohemia were not bound to elect Ferdinand, it did not follow that they had a right to annul the election. The question therefore was "whether the deposition of a King once elected was valid by the constitution of Bohemia." Had it been possible for him to keep quite out of the quarrel, it would have mattered little how long he was in coming to a conclusion upon that point. To take part *with* the new King of Bohemia, whether he were usurper or legitimate, would have been to engage in a cause destined to failure: to take part *against* him would have been to enrage England and play into the enemy's hands: to offer mediation would have been to invite a second rejection without any hope of doing good. But unfortunately it was not practicable to keep altogether out of the quarrel. As soon as Frederick in accepting the Bohemian throne put himself at war with the Emperor, the Emperor began to make preparations for attacking the Palatinate, which lay conveniently for annexation by one of his independent allies, and served very well for the purchase of his alliance. Now if Frederick alone

[1] 'Relations between England and Germany,' 1619–20 (Camd. Soc.) p. 157.

had had an interest in the Palatinate, James would probably have been content under the circumstances to let him defend it for himself along with his new kingdom. But the reversion of the Palatinate belonged to Frederick's heir, who was James's grandson, and (being no way implicated in the offence) might reasonably look to him to protect his interest in it. Though he could not justly complain of the blow as aimed at Frederick, he might justly parry it as falling upon England. And when the movements of the armies began to point unmistakably in that direction, he consented at last to allow volunteers to be levied in England and Scotland by Frederick's agents, and to borrow money for his use. Only it was to be "on the express condition that it should be employed in the defence of the Palatinate."[1]

This small concession to the English war-party (which was made in March 1619–20) alarmed Spain; and Gondomar was once more sent back to counteract their influence and keep James out of their hands. He came armed with complaints and remonstrances, and charges of promises unperformed; as if expecting to find a friend turning enemy—an expectation which a very warm and cordial reception does not seem to have done anything to remove. But on seeing the real state of James's mind,—his deep and serious vexation and perplexity, his anxiety to be just to all parties, his continued desire for the Spanish alliance, and the strong pressure which he had to resist from the other side,—and having been warned also by Digby of the risk he would run by pressing him too hard,—he adopted a mild and friendly tone and agreed to refer disputes to amicable conferences with Digby and Buckingham.[2] The proper business of the first interview being thus concluded, they proceeded to talk about the affairs of the world: among the rest, about the assistance which James had been pressed to send to his daughter and grandchildren, and the apprehension of an attack upon the Palatinate by the Emperor's forces: upon both of which Gondomar's answers were to the purpose, and from James's point of view not easy to dispute. Upon the first, 'Let them come back to the Palatinate,' he said, 'and he would go himself as a soldier to defend them;' but to succour them at Prague was not to defend them against aggression, but to help them in an act of aggression upon others. And as for the Emperor, 'What would *you* do,' he asked, 'if any one were to take London from you?'—a question upon which James "drew back," he says, and took refuge in a

[1] Gardiner, vol. i. p. 310.
[2] 'Spanish Marriage Treaty' (Camden Soc. 1869) p. 319.

pious hope that "everything would be well accommodated."[1] It was a question too much to the purpose, and could only be answered in one way. The conference seems however to have left James under the impression that the Palatinate was not in immediate danger, and that Spain would join in an effort for a general pacification upon the principle of no aggression by anybody upon anybody.

Having reported to Philip the result of this first interview, Gondomar next proceeded to reopen the marriage treaty; which had been suspended upon the question of engaging to repeal the laws against the Catholics. He told James that Philip was so anxious for the alliance that he was ready to advance 150,000*l*, out of the marriage portion as soon as the articles were agreed upon. James, who had already in the former interview declared himself still desirous that the match should proceed, replied by a renewal of his former offer with the old conditions: to which Gondomar this time made no objection.[2] It seemed as if the Spaniards had thought better of it, and come round to his terms. But the truth was that they had given it up as hopeless; and having no intention of concluding the bargain, they no longer cared what terms they offered. Since they found that the conditions which they originally proposed could not be got, they had ceased to wish for the match and were now using it only as a diversion. For this it served all the better for being a fiction. James's heart, open enough at all times, opened more freely than ever under the influence of this seeming-friendly overture. He frankly admitted that he considered his son-in-law a usurper, and would give him no help while he remained in his present position, and that what he ought to do was nothing less than to "resign Bohemia." Upon hearing which, Gondomar reported to Philip that he might proceed in his arrangements with the Emperor, without fear of interruption from England.[3]

The negotiations which ended in this report seem to have occupied about three months; for it was now the middle of June 1620, and Gondomar had arrived in England in the middle of March. They were followed by a great attempt on James's part to bring about the general pacification, of which he supposed Spain to be as desirous as he was himself. He despatched ambassadors to Venice, to Vienna, to Brussels, to the States of the Rhine, to Dresden and to Prague. And certainly if there was no hope of success, it was only because the other parties were not so just or not so intelligent

[1] See the original, printed in the Appendix to *Francesco de Jesus*. Ib. p. 320.
[2] Gardiner, vol. i. p. 318. [3] Ib. i. p. 325.

as he was. The disorder had not yet spread so far but that if they had been willing to settle the dispute upon the principle which he had formerly recommended—which was in effect the simple one that each party should take what was his and resign what was not his—order might yet have been restored without difficulty. It was not too late for Ferdinand to restore the Protestants of Bohemia to quiet enjoyment of the "patents, agreements, and ordinances granted in past times in their favour by the Emperors, Kings of Bohemia;" to release prisoners unjustly detained; to exclude the Jesuits from meddling with matters of state; or "to remember the oath which he took at his coronation, which ought not to be broken."[1] And although Frederick (whose interest in the matter was not altogether selfish, for he believed himself to be fighting for a great cause, in which he proved his faith by remaining loyal to it long after it had ceased to yield him either gain or glory) would have to resign his new crown,—which he could hardly be expected to do willingly,—yet if England, Spain, Holland, and Germany had united in insisting upon it, he must have yielded. The difficulty lay in this—that none of the parties to the quarrel were content to settle it upon terms which left them no better off than they were before. Ferdinand wanted to recover his kingdom without conditions as to his coronation oath or concessions to the Protestants. Maximilian of Bavaria had already bargained with him for the annexation of the upper Palatinate to his own domininion. The Directors of Bohemia wanted to keep the government in their own hands. All the Catholic powers wanted to gain upon Protestantism, all the Protestant upon Catholicism. And thus it came that James's attempt to mediate failed as before. As before however, it is the failure only that was to be regretted, not the attempt. Judging by the result, who can doubt that its success would have been a benefit to Europe?

While this was going on, an arrangement was brought about by the influence of France with a different object and a very different effect. On the 23rd of June 1620 a treaty was concluded between the Protestant Union and the Catholic League which made the march upon the Palatinate easier and safer. This quickened the enlistment of volunteers in England: but it did not altogether relieve James from his difficulty. The threatened movement, though justly alarming, was one of which, from *his* point of view, he could not justly complain. When Gondomar represented to him that the persons whose throne Frederick had usurped could not be expected

[1] Instructions to Viscount Doncaster; in 'Relations between England and Germany, 1618–19' (Camd. Soc.) p. 73.

to refrain from attacking him wherever he was most vulnerable, and that the way to preserve the Palatinate and establish peace was simply to restore Bohemia to its rightful owner, what could he say in answer? He could not deny that Frederick's position in Bohemia was an act of usurpation; for he thought it was, and had always said so: and admitting that, how could he deny the other? All he could say was that "he hoped God would arrange everything for the best"—"a demonstration of helplessness," says Mr. Gardiner. And helpless no doubt he was. He was helpless, as a father is helpless whose son has done something for which he cannot deny that he deserves punishment. His only resource at present was to indulge himself in the belief (which Gondomar would no doubt be ready to suggest) that the Palatinate was not the immediate object of attack,—that the head of the rebellion being at Prague, it was there the Emperor would seek it.

Such, up to the end of August, 1620, was James's position with regard to the great Bohemian question; to which as long as he remained true, it is easy to understand how little help he could look for from an English House of Commons—a body no way implicated in his antecedent engagements and quite unable to understand his scruples. The further development of the designs of the contending parties altered his position materially and opened a great opportunity, as we shall see presently. But the few letters which I find belonging to July and August of this year were written before the news arrived, and may be disposed of first.

To the Lord Chancellor.[1]

My very good Lord,

Such is my haste at this time, that I cannot write so largely to your Lo[p] as I would, in the business of the steel, in which I once already sent to your Lordship, and in which I only desire the good of the commonwealth, and the service of my master. I therefore have sent this bearer my servant unto you, and committed the relation of the business to him, and I do intreat your Lordship to give credit to what he shall deliver your Lordship therein, with your lawful assistance of my desires; wherein I doubt not but you shall do a very good office. And I shall rest ready to requite your courtesy; and with my best wishes continue

Your very loving friend,

G. Buckingham.

Egham, 6 Julii, 1620.

[1] Harl. MS. 7000., f. 5. Original. Docketed by Meautys "6 Junii 1620. My Lo. Marq[s] Buck[m] to your Lp. on the behalf of his servant Mr. Porter and Mr. Dallington."

TO HIS VERY GOOD L. THE MARQUIS OF BUCKINGHAM, L. HIGH ADMIRAL OF ENGLAND.[1]

My very good Lord,

The tobacco business is well settled in all points. For the coals, they that brought the offer to Sec. Calvert, do very badly shrink from their words; but we are casting about to piece it and parfite it.

The two Goose-quills, Maxwell and Alured, have been pulled; and they have made submissions in that kind which the board thought fit. For we would not do them the honour to require a recantation of their opinion, but an acknowledgment of their presumption.[2]

His Majesty doth very wisely, (not shewing much care or regard of it,) yet really to suppress this licentious course of talking and writing. My old Lord Burghley was wont to say, that the Frenchman, when he hath talked, he hath done; but the Englishman, when he hath talked, he begins. It evaporateth malice and discontent in the one, and kindleth it in the other. And therefore upon some fit occasion I wish a more public example.

The King's state, if I should now die and were opened, would be found at my heart, as Queen Mary said of Calais. We find additionals still, but the consumption goeth on.[3] I pray God give his Majesty resolution, passing by at once all impediments and less respects, to do that which may help it, before it be irremediable. God ever preserve and prosper your Lordship.

Your Lordship's most obliged friend,
and faithful servant,

23 of July, 1620. FR. VERULAM, Canc.

I have stayed the thousand pounds set upon Englefield for his Majesty, and given order for levying it.

[1] Tanner MSS. 290, f. 67. Original.

[2] "Referred to my L. Digby and Secretary Naunton to acquaint the amb^rs and upon their suit to give order for their liberty." (Note in margin of MS.) Alured, who had been Secretary to Lord Evers, President of Wales, had sent Buckingham a treatise against the Spanish match, and been committed to prison for it by the King." See Camden *Annal. App.*, 10 June, 1620. For a copy of his letter see S. P. vol. 115, no. 67, and of his submission, vol. 116, no. 42.

Maxwell had been sent to the Tower on the 27th of June for writing a book to prove that the kingdom of Bohemia was not elective. See his submission, 27 November, 1620. S. P. vol. 117, no. 89.

[3] From a paper of accounts in the Record Office I find that the debt amounted on the 29th of September, 1620, to £611,525. S. P. Dom. vol. 116, no. 124.

TO THE MARQUIS OF BUCKINGHAM, LO. HIGH ADMIRAL OF ENGLAND.[1]

My very good Lord,

One gave me a very good precept for the stone; that I should think of it most when I feel it least. This I apply to the King's business, which surely I revolve most when I am least in action; whereof at my attendance I will give his Majesty such account as can proceed from my poor and mean abilities, which as his Majesty out of grace may think to be more than they are, so I out of desire may think sometime they can effect more than they can. But still it must be remembered, that the stringing of the harp, nor the tuning of it, will not serve, except it be well played on from time to time.

If his Majesty's business or commandment require it, I will attend him at Windsor, though I would be glad to be spared, because quick airs at this time of the year do affect me.[2] At London, and so at Theobalds and Hampton Court, I will not fail, God willing, to wait upon his Majesty. Mean while I am exceeding glad to hear his Majesty hath been lusty and well this progress. Thus, much desiring to see your Lordship, *cujus amor tantum mihi crescit in horas*, (as the poet sayeth), I ever remain

Your Lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

Gorhambury, this 30th
of Aug. 1620.

TO THE LORD CHANCELLOR.[3]

My honourable Lord,

His Majesty having made a reference of a business to your Lordship concerning Sir Robert Douglas and Mr. David Ramsay, two of his Highness's servants whom he loveth and whom I wish very well unto, I have

[1] Fortescue Papers. Original: own hand.

[2] Among the letters entered in Stephens's catalogue, but not found, is one addressed to Buckingham on the 8th of September, 1620, beginning 'I am this evening,' and containing "Thanks for his Majesty's care of his health."

[3] Harl. MS. 7000, f. 16. Orig. Docketed "Ult. Aug. 1620. My. Lo. of Buck^m to yor Lp. touching the business of wills."

thought fit to desire you to show them all the favour your Lordship may therein, which I will acknowledge, and ever rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Farnham,
the last of August, 1620.

The reference comes in the name of my brother Christopher, because they thought it would succeed the better: but the prince wisheth well to it.

2.

The Spaniards had managed both their military and diplomatic movements so well, that in spite of two English ambassadors sent to Brussels to watch their proceedings, they contrived to keep James in the belief that their army under Spinola was destined for Bohemia, until it had reached a convenient position for a sudden descent upon the Palatinate. In the beginning of August, the Dutch (to whom Spinola's aim was immaterial, his discomfiture being equally important to them upon either supposition) had urged James to anticipate the expected blow by joining with them in an attack upon the Indian fleet,—for which the twenty ships he had just got ready for the suppression of piracy in the Mediterranean might be conveniently used. But this proposal he had refused to listen to, declaring it to be an action "most dishonourable and ill beseeming his sincerity"[1]—and he seems to have maintained his belief in the sincerity of the Spaniards, until news came on the 5th of September that Spinola, turning suddenly round, had marched towards the Palatinate, taken Oppenheim, Kreutznach, and Alzei, and established a basis of operations at Mentz.[2] After this, he could deceive himself no longer; and though he could not, when challenged by Gondomar, quote any express promise from Spain that the Palatinate should not be attacked, he was now clearly released from his own implied engagement to give no support to his son-in-law in a quarrel which he held to be unjust. If it was lawful for the Emperor to strike at Frederick wherever he was most vulnerable, it was no less lawful for England to intercept the blow when the region struck at was one in which England had a reversionary interest. Upon this news therefore he declared his resolution to take up arms for the defence of the Palatinate;—a resolution so well in accord with the popular sentiment that it placed him at once in the position in which Bacon had so long been

[1] Gardiner, vol. i. p. 341.

[2] Camden, *Annal. App.*

desiring to see him—in which he might call another Parliament without fear of another miscarriage. Whether the resolution was in any way due to Bacon, we do not know; for though it is not likely that so many weeks could pass after the arrival of such a piece of news without counsel from him asked or offered, no record of any has survived. What we know is, that by the end of the month the King had come to the conclusion not only that the Palatinate must be defended, but that a Parliament must be called.

With what satisfaction Bacon received his directions to consider of the measures which should be taken by way of preparation for a Parliament, we may gather from the next letters. And no wonder. A Parliament under these conditions meant not only the substantial relief of the King's estate, but the discontinuance of those irregular shifts and expedients into which he had been driven for raising money, and a return to "the ancient and honourable remedy." It meant the taking up of a foremost position on the Protestant side in a great European struggle; which would draw popular patriotism away from domestic quarrels and engage King and people in a common cause. It meant the breaking off (probably) of the Spanish match; and that upon a quarrel which would be "a great reputation to the King both with his subjects here at home and his friends of the reformed religion in foreign parts."[1] It meant the strengthening of the ties between the Protestant powers, and the recovery of England's proper place in the politics of Europe. If we look back through his various counsels and speculations on the policy of the Government, we shall find that all these were favourite objects with him. And upon a resolution to enter into a war for the defence of the Palatinate and appeal to Parliament for support, all these seemed likely (with good guidance) to follow.

To the Marquis of Buckingham.[2]

My very good Lord,

I write now only a letter of thanks to his Majesty, for that I hear, in my absence he was pleased to express towards me (though unworthy) a great deal of grace and good opinion before his Lords; which is much to my comfort, whereunto I must ever impute your Lordship as accessary. I have also written to him what signification I received from Secretary Naunton of

[1] See Vol. VI. p. 148.

[2] Stephens's second collection, p. 113. From the original.

his Majesty's will and pleasure, lest in so great a business there should be any mistaking.

The pain of my foot is gone, but the weakness doth a little remain, so as I hope within a day or two to have full use of it. I ever remain

Your Lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

2 Oct. 1620.

TO THE KING'S MOST EXCELLENT MA^tie.[1]

It may please your Majesty,

I thought myself an unfortunate man that I could not attend you at Theoballs. But I hear that your Majesty hath done as God Almighty useth to do, which is to turn evil into good, in that your Majesty hath been pleased upon that occasion to express before your Lords your gracious opinion and favour towards me, which I most humbly thank your Majesty for, and will aspire to deserve.

Secretary Naunton this day brought me your pleasure in certain notes; That I should advise with the two Chief Justices (old Parliament-men) and Sir Edward Cook (who is also their senior in that school) and Sir Randall Crewe the last Speaker, and such other Judges as we should think fit, touching that which mought in true policy, without packing or degenerate arts, prepare to a Parliament, in case your Majesty should resolve of one to be held; and withal he signified to me some particular points, which your Majesty very wisely had deduced.

All your Majesty's business is *super cor meum*, for I lay it to heart. But this is a business *secundum cor meum*; and yet, as I will do your Majesty all possible good services in it, so I am far from seeking to impropriate to myself the thanks, but shall become *omnibus omnia*, as St. Paul sayeth, to attain your Majesty's ends.

As soon as I have occasion, I will write to your Majesty

[1] Fortescue Papers. Original: own hand.

touching the same, and will have special care to communicate with my Lords, in some principal points, though all things are not at first fit for the whole table. I ever rest

Your Majesty's most bounden
and most devoted servant,
FR. VERULAM, Canc.

Your Majesty needeth not to doubt but that I shall carry the business with that secrecy which appertaineth.

2 Oct. 1620.

I have not succeeded in discovering what the "petition" was, to which the next letter relates.

TO THE LORD CHANCELLOR.[1]

My very good Lord,

By his Majesty's directions, Sir Francis Blundell will deliver you a petition of Sir Francis Annesly's, his Majesty's secretary of Ireland, with his pleasure thereupon. To the gentleman I wish very well, and do therefore recommend him and his cause to your Lordship's good favour; and your respect of him, in his absence, I will thankfully acknowledge. So I take leave

Your Lordship's very loving friend,
G. BUCKINGHAM.

Theobalds, the 2d of Oct. 1620.

TO THE MARQUIS OF BUCKINGHAM.[2]

My very good Lord,

Yesterday I called unto me the two Chief Justices and Serjeant Crewe about the parliament business. To call more Judges I thought not good. It would be little to assistance, much to secrecy.

The distribution of the business we made was into four parts.

1. The perusing of the former grievances and of things of like nature which have comen in since.

[1] Harl. MSS. 700, f. 18. Original. Docketed by Meautys, "2 Oct 1620. The Lo. Marqs. Buck^m to y^r Lp. in the behalf of Sir Francis Anslowe."

[2] Gibson Papers, vol. viii. f. 128. Fair copy by Meautys, with corrections and alterations by Bacon. No fly-leaf. Indorsed "to M. Buck: upon advice had with the two Chief Justices about some propositions for a Parliament."

2. The consideration of a proclamation, with the clauses thereof, especially touching Elections; which clauses nevertheless we think should be rather monitory than binding and exclusive.

3. The consideration what persons were fit to be of the House, tending to make a sufficient and well-composed House of the ablest men of the kingdom, fit to be advised with *circa ardua regni* (as the stile of the writs goeth), according to the pure and true institution of a Parliament; and of the means to place such persons without novelty or much observation.

For this purpose we made some lists of names of the privy councillors and principal statesmen or courtiers; of the gravest and wisest lawyers; of the most respected and best tempered knights and gentlemen of the country. And here *obiter* we did not forget to consider who were the *boutefeus* of the last session, how many of them are dead, how many reduced, and how many remain.

4. The framing and having ready of some commonwealth bills, that may add respect to the King's government and acknowledgment of his care; not wooing bills to make the King and his graces cheap; but good matter to set the Parliament on work, that an empty stomach do not feed upon humour.

Of the four points, that which concerneth persons is not so fit to be communicated to the council-table; but to be kept within fewer hands. The other three may, when they are ripe.

Meanwhile I thought good to give his Majesty an account what is done, and in doing, humbly craving his direction in what is to be altered or added; though it may be ourselves shall have second thoughts, this being but the result of our first meeting.

The state of his Majesty's treasure still maketh me sad, and I am sorry I was not at Tiballs to report it, or that it was not done by my fellows. It is most necessary we do it faithfully and freely; for to flatter in this, were to betray his Majesty with a kiss.[1] I humbly pray his Majesty to think of my former

[1] The difficulties under which the Commissioners laboured at this time may be seen from the following extract of a letter from Naunton to Buckingham, dated October 26. "These enclosed to his Majesty contain the Commissioners of the Treasury their general answer to his Majesty's commandment for payment of the

counsel,[1] and this I will promise, that whomsoever his Majesty shall make Treasurer, if his Majesty will direct him to have relation to my advice, I will continue the same care and advice I do now, and much more cheerfully when I shall perceive that my propositions shall not be *literæ scriptæ in glacie.*

Meanwhile, to keep the commission in doing of somewhat worth the doing; it may please his Majesty to take knowledge, that upon our report we had agreed to make remonstrances to him, that we thought Ireland might (if his Majesty leave it to our care) be brought by divers good expedients to bear the own charge; and therefore his Majesty may be pleased by his commandment to set us in hand with it out of hand. God ever prosper you.

Your Lordship's most obliged friend
and faithful servant,
Fr. Verulam, Canc.

7 Octob. 1620.

To the Lord Chancellor.[2]

My Lord,

I have acquainted his Majesty with your letter and labour in his service, for which he commanded me to give you thanks, and to let your Lordship know that he liketh exceeding well your method held with the Judges, which could not be amended. And concurreth with you in your opinions, first, touching the proclamation, that it should be monitory and persuasive, rather than compulsive: and secondly that the point concerning the persons, who should be admitted, and who avoided, is fit to be kept from the knowledge of the council-table, and to be carried with all secrecy.

For the business of Ireland, his Majesty had heard of it before, and gave commandment to the Master of the Wards that it should be hastened and set in hand with all speed, which his Majesty doubteth not but is done by this time.

Touching your advice for a Treasurer, his Majesty is very mindful of

foreign pensions. Their Lordships had given direction to write a particular remonstrance of all the pressing payments lying upon them for his Majesty's own immediate services at home, and of the arrears they are in for them, which was signed by Mr. Chancellor, but the rest of the Commissioners thought it would be too sad a spectacle to send unto his Majesty, and have held it more agreeable with their duties to represent these particulars unto his Majesty by word of mouth at their next waiting upon him." Fortescue Papers, p. 139.

[1] Referring, I presume, to the letter about the state of the treasury, p. 85.

[2] Harl. MSS. 7000, f. 20. Original. Docketed by Meautys, "Oct. 9, 1620. My Lo. Marquis of Buc^m^ to y^r^ Lp. shewing the K's approbation of the method you propound for preparation to a Parliament."

it, and will let you know as much at his return, when he will speak farther with your Lordship of it. And so I rest

Yours, etc.,

G. BUCKINGHAM.

Royston, 9 October, 1620.

At the same time that the resolution was taken to call a Parliament, a subscription was set on foot among the nobility and Council to supply funds for the immediate occasion; which could not bear so long a delay as levy by a Parliamentary subsidy would require. The Prince led with an offer of 10,000*l.* The Lord Chancellor and most of the principal councillors followed with 1000*l.* each: the Lord Digby with 500*l.* and others in proportion,[1] and those who were absent were informed of what had been done and invited to contribute.[2] Which things being known, while the consultations in Council were kept carefully secret, caused much apprehension to the politicians of the time; who went so far as to conclude that there would be no Parliament after all; especially when they heard the Lord Chancellor, in addressing a Judge newly admitted to the King's Bench, enlarge upon the respect due to the King's Prerogative.

"The first day [of term][3] Sir Thomas Chamberlain, Chief Justice of Wales and Chester, was sworn a judge of the King's Bench: at whose admission the Lord Chancellor took occasion to enlarge himself much upon the Prerogative, and how near it was akin and of blood (as he termed it) to the Common Law; saying further (whatsoever some unlearned lawyers might prattle to the contrary) that it was the accomplishment and perfection of the Common Law. Which new doctrine, but now broached, is perhaps to prepare the way to a purpose in hand, that all men shall be rated and pay by way of subsidy, as if it were done by Parliament; and those that refuse, their names to be certified that other order may be taken with them. This hath quite put down the speech of a Parliament for the present, and perhaps the name of it hereafter. Though the Nobility and Council went cheerfully on in the former course of Benevolence or Contribution, some offering largely for the present, some for years, . . . yet it was thought it would not hold out, and that it would prove a reckoning without our host: wherefore it was found requisite to make it a common burden that so it might be the better borne."[4]

It seems strange to find a man like Chamberlain treating this doctrine of the Prerogative as new; for unless the Crown held all its Prerogatives by statute, from what source could they come if not

[1] S. P. Dom. vol. 117, no. 94.
[2] Sir Albertus Morton to Lord Zouch, 7 Oct. 1620. S. P.
[3] 9 October.
[4] Chamberlain to Carleton, 14 Oct. S. P. Dom. vol. 117, no. 13.

from the same whence the Common Law came? And the occasion was quite appropriate. But the practical inference which the outside politicians drew from it is worth recording, by way of caution. We shall see presently how very wide of the mark they were in this instance at least, and may learn to be the more wary in accepting the news of the day for the history of the time.

But I must first touch upon a very different subject. By a strange chance, this dawn of hope for the kingdom of England coincided with the announcement of a new hope for all the world, which Bacon had still more at heart—the hope of the coming of "the Kingdom of Man." For it so happened that the first public announcement of the new philosophy which was to teach man the true use of his understanding and lead him by a certain path to the knowledge of all things which it is lawful for man to know, was reserved for the same auspicious season. A handsomely printed volume containing a prospectus of the INSTAURATIO MAGNA, followed by a series of aphorisms *de Interpretatione Naturæ et Regno Hominis*, together with a set of directions for the formation of a natural and experimental history,—all that ever was done of the NOVUM ORGANUM—was ready for distribution on the 12th of this October. It is true that the hope proved deceitful in both cases: for the kingdom of England was destined to relapse into a worse condition than before; and the certain path to the knowledge of all things is still unmade and has led to nothing; but the future was hidden and did not trouble him, while the hope, which was present with him, filled his mind with confident anticipations of good to all mankind,—remote perhaps, but certain and immense.

TO THE KING'S MOST EXCELLENT MA^tie.[1]

It may please your most excellent Majesty,

It being one thing to speak or write, specially to a King, in public, another in private, although I have dedicated a work, or rather a portion of a work, which at last I have overcome, to your Majesty by a public epistle, where I speak to you in the hearing of others; yet I thought fit also humbly to seek access for the same, not so much to your person as to your judgment, by these private lines.

The work, in what colours soever it may be set forth, is no

[1] Gibson Papers, vol. viii. f. 129. Copy or draught written to dictation, but corrected by Bacon. The letter itself is in the Advocate's Library, A. I. 35, no. 11, and there is a copy of it in Harl. MS. 6396.

more but a new logic, teaching to invent and judge by induction, (as finding syllogism incompetent for sciences of nature,) and thereby to make philosophy and sciences both more true and more active.

This, tending to enlarge the bounds of Reason and to endow man's estate with new value, was no improper oblation to your Majesty, who, of men, is the greatest master of reason, and author of beneficence.

There be two of your council, and one other bishop of this land, that know I have been about some such work near thirty years; so as I made no haste. And the reason why I have published it now, specially being unperfect, is, to speak plainly, because I number my days, and would have it saved. There is another reason of my so doing, which is to try whether I can get help in one intended part of this work, namely the compiling of a natural and experimental history, which must be the main foundation of a true and active philosophy.

This work is but a new body of clay, whereinto your Majesty by your countenance and protection, may breathe life. And, to tell your Majesty truly what I think, I account your favour may be to this work as much as an hundred years' time: for I am persuaded the work will gain upon men's minds in ages, but your gracing it may make it take hold more swiftly; which I would be glad of, it being a work meant not for praise or glory, but for practice, and the good of men. One thing, I confess, I am ambitious of, with hope, which is, that after these beginnings, and the wheel once set on going, men shall suck more truth out of Christian pens, than hitherto they have done out of heathen. I say with hope; because I hear my former book of the Advancement of Learning is well tasted in the universities here, and the English colleges abroad: and this is the same argument sunk deeper.

And so I ever humbly rest in prayers, and all other duties,

Your Majesty's most bounden
and devoted servant,
FR. VERULAM, Canc.

York-house, this 12th
of October, 1620.

The next letters relate to ordinary matters.

To the Lord Chancellor.[1]

My honourable Lord,

There is a business in your Lordship's hands, with which Sir Robert Lloyd did acquaint your Lordship; whereof the Prince hath demanded of me what account is given, And because I cannot inform his Highness of any proceeding therein, I desire your Lordship to use all expedition that may be in making your answer to me, that I may give his Highness some satisfaction, who is very desirous thereof. And so I rest

Your Lordship's faithful friend and servant,

G. Buckingham.

Royston, 14th of October, 1620.

To the Lord Chancellor.[2]

My honourable Lord,

I desire your Lordship to continue your favour to Sir Thomas Gerrard, in the business concerning him, wherein I signified his Majesty's pleasure to your Lordship. And one favour more I am to entreat of your Lordship in his behalf, that you will be pleased to speak to one of the assistants of the Chancellor of the Duchy, in whose court he hath a cause depending, as he will more fully inform your Lordship himself, to see that he may have a fair proceeding, according to justice; for which I will ever rest

Your Lordship's faithful friend and servant,

G. Buckingham.

Royston, 15th of October, 1620.

To the Marquis of Buckingham.[3]

My very good Lord,

Your Lordship desiring to understand what cometh of the business after which the Prince hearkeneth, I was in doubt which of the two businesses you meant; that of the Duchy, or that of the Prerogative-Court for wills; for both are recommended from the Prince. But be it one, or be it the other, no time had been lost in either; for Mr. Secretary Naunton and I have entered into both. For the Duchy, we have already stayed all proceedings to the King's disservice for those manors which are not already passed under seal. For that which is

[1] Harl. MSS. 7000, f. 22. Original. Docketed by Meautys, "14 Oct. 1620. My Lo. Marq. Buckingham to y^r Lp. touching the Registerer of Wills." On the 29th of October Sir Robert Lloyd had a grant for life of "the office of engrossing wills and inventories." S. P. Dom. Calendar, p. 187. See further correspondence concerning this patent October 16, November 15, December 12, 17.

Ibid. [3] Gibson Papers, vol. viii. f. 131. Copy, hastily written.

passed, we have heard the Attorney with none or little satisfaction hitherto. The Chancellor is not yet come, though sent for.

For the other, we have heard Sir John Bennett and given him leave to acquaint my Lord of Canterbury; and have required the Solicitor to come well prepared for the King. So that in neither we can certify yet; and to trouble your Lordship while business is but in passage, were time lost. I ever rest

Your Lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

16 October, 1620.

The same day came the King's acknowledgment of the *Novum Organum;* written, according to Dr. Rawley, with his own hand.[1]

My Lord,

I have received your letter and your book, than the which you could not have sent a more acceptable present unto me. How thankful I am for it cannot better be expressed by me, than by a firm resolution I have taken; first, to read it thorough with care and attention, though I should steal some hours from my sleep: having otherwise as little spare time to read it as you had to write it. And then to use the liberty of a true friend, in not sparing to ask you the question in any point whereof I shall stand in doubt: (*nam ejus est explicare, cujus est condere:*) as, on the other part, I will willingly give a due commendation to such places as in my opinion shall deserve it. In the meantime, I can with comfort assure you, that you could not have made choice of a subject more befitting your place, and your universal and methodick knowledge; and in the general, I have already observed, that you jump with me, in keeping the mid way between the two extremes; as also in some particulars I have found that you agree fully with my opinion. And so praying God to give your work as good success as your heart can wish and your labours deserve, I bid you heartily farewell.

JAMES R.

Octob. 16, 1620.

Bacon's answer will be found a little further on, but a business of more immediate importance was in hand and had precedence.

3.

The account which I have already given of the King's views and

[1] Rawley's 'Resuscitatio.' p. 83.

proceedings with regard to Bohemia and the Palatinate has been deduced directly from the correspondence, as collected by Mr. Gardiner in his history, and in the papers which he has edited for the Camden Society. We shall now have an opportunity of comparing it with an account by Bacon; who, well knowing how deep an interest the constituencies had begun to take in the business of the kingdom, especially where religion was concerned, proposed to introduce into the Proclamation for calling the Parliament a short statement of the political situation and the reasons for calling it. The King preferred to reserve all such matter for the opening of the session, according to the usual practice; and not to enter into any explanations in the meantime with the people at large. But Bacon's draught has luckily been preserved, and presents his own view of the case in a purer form than we should have had it in if it had been modified to suit the King's. As a piece of advice it had its full value without being adopted; and its main purpose was served as soon as it was read.

To the Marquis of Buckingham.[1]

My very good Lord,

I send his Majesty a form of a proclamation for the Parliament, which I thought fit to offer first to his Majesty's perusal, before I acquainted the Council.

For that part which concerneth the foreign business, his Majesty will graciously consider how easy it is for me to mistake or not to attain; which his Majesty in his wisdom will pardon, correct, and direct.

For that part touching the elections, I have communicated it with my colleagues, Sir Edward Coke, the two Chief Justices, and Serjeant Crewe, who approve it well; and we are all of opinion, that it is not good to have it more peremptory, more particular, nor more sharp.

We are thinking of some commonwealth laws, amongst which I would have one special for the maintenance of the navy, as well to give occasion to publish (to his Majesty's honour) what hath been already done; as, to speak plainly, to do your Lord-

[1] Stephens's first collection, p. 256. From the original.

ship honour in the second place; and besides, it is agreeable to the times. God ever prosper you.

Your Lordship's most obliged friend
and faithful servant,
FR. VERULAM, Canc.

18 Oct. 1620.

DRAUGHT OF A PROCLAMATION FOR A PARLIAMENT, referred to in the preceding letter.[1]

As in our princely judgment we hold nothing more worthy of a Christian Monarch than the conservation of peace at home and abroad; whereby effusion of Christian blood and other calamities of war are avoided, trade is kept open, laws and justice retain their due vigour and play, arts and sciences flourish, subjects are less burthened with taxes and tallages, and infinite other benefits redound to the state of a common-weal: So in our own practice we suppose there hath been seldom any King that hath given more express testimonies and real pledges of this desire to have peace conserved, than we have done in the whole course of our regiment.

For neither have we, for that which concerns ourselves, been ready to apprehend or embrace any occasions or opportunities of making war upon our neighbours; neither have we omitted, for that which may concern the states abroad, any good office or royal endeavour for the quenching of the sparks of troubles and discords in foreign parts. Wherein, as we have been always ready and willing, so we wish that we had been always as happy and prevailing in our advices and counsels that tended to that end.

And yet do we not forget that God hath put into our hands a sceptre over populous and warlike nations, which mought have moved us to second the affection and disposition of our people, and to have wrought upon it for our own ambition, if we had been so minded. But it hath sufficed unto us to seek a true and not swelling greatness, in the plantations and improvements of such parts of our dominions as have in former times been more desolate or uncivil, and in the maintaining of all our loving subjects in general in tranquillity and security, and the other conditions of good government and happy times. But amongst other demonstrations of our con-

[1] Stephens's first collection, p. 257. From the original.

stant purpose and provident care to maintain peace, there was never such a trial, nor so apparent to the world (as in a theatre) as our persisting in the same resolution since the time that our dear son-in-law was elected and accepted King of Bohemia; by how much the motives tending to shake and assail our said resolution were the more forcible. For neither did the glory of having our dearest daughter and son-in-law to wear a crown; nor the extreme alacrity of our people devoted to that cause; nor the representations which mought be set before us of dangers (if we should suffer a party in Christendom, held commonly adverse and ill-affected to our state and government, to gather further reputation and strength) transport us to enter into an auxiliary war in prosecution of that quarrel: but contrariwise, finding the justice of the cause not so clear as that we could be presently therein satisfied; and weighing with ourselves likewise, that if the kingdom of Bohemia had continued in the house of Austria, yet nevertheless the balance of Christendom had stood in no other sort than it had done for many years before, without increase of party; and chiefly fearing that the wars in those parts of Germany which have been hitherto the bulwark of Christendom against the approaches of the Turk, mought by the intestine dissensions allure and let in the common enemy; we did abstain to declare or engage ourselves in that war; and were contented only to give permission to the ambassador of our son-in-law, to draw some voluntary helps of men and money from our subjects, being a matter that violated no treaty, and could not be denied in case of so near a conjunction.

But while we contained ourselves in this moderation, we find the event of war hath much altered the case by the late invasion of the Palatinate, whereby (howsoever under the pretence of a diversion) we find our son in fact expulsed in part, and in danger to be totally dispossessed of his ancient inheritance and patrimony, so long continued in that noble line; whereof we cannot but highly resent, if it should be alienated and ravished from him in our times, and to the prejudice of our grand-children and line-royal. Neither can we think it safe for us in reason of state, that the County Palatine, carrying with itself an Electorate, and having been so long in the hands of princes of our religion, and no way depending upon the house of Austria, should now become at the disposing of that house: being a

matter that indeed mought alter the balance of Christendom importantly, to the weakening of our estate, and the estate of our best friends and confederates.

Wherefore, finding a concurrence of reasons and respects of religion, nature, honour, and estate: all of them inducing us in no wise to indure so great an alteration; we are resolved to employ the uttermost of our forces and means, to recover and resettle the said Palatinate to our son and our descendents, purposing nevertheless, according to our former inclination so well grounded, not altogether to intermit (if the occasions give us leave) the treaties of peace and accord, which we have already begun, and whereof the coming on of the winter, and the counterpoise of the actions of war, hitherto may give us as yet some appearance of hope.[1]

But forasmuch as it were great improvidence to depend upon the success of such treaties, and therefore good policy requires that we should be prepared for a war, which we intend for the recovery and assuring of the said Palatinate, with the dependencies (a design of no small charge and difficulty, the strength and conjunctures of the adverse party considered,) we have thought good to take into our princely and serious consideration (and that with speed) all things that may have relation to such a designment; amongst which we hold nothing more necessary than to confer and advise with the common council of our kingdom, upon this so important a subject.

For although the making of war or peace be a secret of empire, and a thing properly belonging to our high prerogative royal, and imperial power: yet nevertheless, in causes of that nature which we shall think fit not to reserve but to communicate, we shall ever think ourselves much assisted and strengthened by the faithful advice and general assent of our loving subjects.

Moreover, no man is so ignorant, as to expect that we should be any ways able (moneys being the sinews of war) to enter into the list against so great potentates, without some large and bountiful help of treasure from our people; as well towards the maintenance of the war, as towards the relief of our crown and estate. And this the rather, for that we have now, by the space

[1] In the margin, opposite to this last sentence, Bacon had written "I pray God this hold."

of full ten years (a thing unheard of in late times) subsisted by our own means, without being chargeable to our people, otherwise than by some voluntary gifts of some particulars, which though in total amounted[1] to no great matter, we thankfully acknowledge at their hands; but as, while the affairs abroad were in greater calm, we did content ourselves to recover our wants by provident retrenchment of charge and honourable improvement of our own, thinking to wear them out without troubling our people; so in such a state of Christendom as seemeth now to hang over our heads, we durst no longer rely upon those slow remedies, but thought necessary (according to the ancient course of our progenitors) to resort to the good affections and aids of our loving subjects.

Upon these considerations, and for that also in respect of so long intermission of a Parliament the times may have introduced some things fit to be reformed, either by new laws or by the moderate desires of our loving subjects dutifully intimated unto us (wherein we shall ever be no less ready to give them all gracious satisfaction than their own hearts can desire) we have resolved, by the advice of our privy council, to hold a Parliament at our city of Westminster And because as well this great cause, (there to be handled amongst the rest, and to be weighed by the beam of the kingdom,) as also the true and ancient institution of Parliament, do require the Lower-house (at this time, if ever) to be compounded of the gravest, ablest, and worthiest members that may be found: we do hereby, out of the care of the common good, wherein themselves are participant (without all prejudice to the freedom of elections) admonish all our loving subjects (that have votes in the elections of knights and burgesses) of these few points following.

First, That they cast their eyes upon the worthiest men of all sorts; knights and gentlemen, that are lights and guides in their countries; experienced parliament-men; wise and discreet statesmen, that have been practised in public affairs, whether at home or abroad; grave and eminent lawyers; substantial citizens and burgesses; and generally such as are interessed and have portion in the estate.

Secondly, That they make choice of such as are well affected

[1] So in Stephens. Qy. "they amounted" or "amounting."

in religion, without declining either on the one hand to blindness and superstition, or on the other hand to schism or turbulent disposition.

Thirdly, and lastly, That they be truly sensible, not to disvalue or disparage the House with bankrupts and necessitous persons, that may desire long parliaments only for protection; lawyers of mean account and estimation; young men that are not ripe for grave consultations; mean dependents upon great persons, that may be thought to have their voices under command, and such like obscure and inferior persons: so that, to conclude, we may have the comfort to see before us the very face of a sufficient and well composed house, such as may be worthy to be a representative of the third estate of our kingdom, fit to nourish a loving and comfortable meeting between us and our people, and fit to be a noble instrument, under the blessing of Almighty God, and our princely care and power, and with the loving conjunction of our prelates and peers, for the settling of so great affairs as are before expressed.

TO THE LORD CHANCELLOR.

My honourable Lord,

I have shewed your letter and the proclamation to his Majesty, who expecting only, according as his meaning was, directions therein for the well ordering of the elections of the burgesses, findeth a great deal more, containing matter of state and the reasons of calling the parliament; whereof neither the people are capable, nor is it fit for his Majesty to open now unto them, but to reserve to the time of their assembling, according to the course of his predecessors, which his Majesty intendeth to follow: the declaring whereof in the proclamation would cut off the ground of his Majesty's and your Lordship's speech, at the proper time.

His Majesty hath therefore extracted somewhat of the latter part of the draught you have sent, purposing to take a few days' space to set down himself what he thinketh fit, and to make it ready against his return hither, or to Theobalds at the furthest, and then to communicate it to your Lordship and the rest of the Lords. And so I rest

Yours, etc.,

G. BUCKINGHAM.

Royston, 19th Oct. 1620.

[1] Harl. MS. 7000, f. 26. Original. Docketed by Meautys, "19th Oct. 1620. My Lo. Marq[t] Buck[m] to yo[r] Lp., with the King's directions upon the draught you sent him for a Proclamation for a Parliament."

To the Marquis of Buckingham.[1]

My very good Lord,

I send now only to give his Majesty thanks for the singular comfort which I received by his Majesty's letter of his own hand touching my book. And I must also give your Lordship of my best thanks, for your letter so kindly and affectionately written.

I did even now receive your Lordship's letter touching the proclamation, and do approve his Majesty's judgment and foresight above mine own. Neither would I have thought of inserting matter of state for the vulgar, but that now-a-days there is no vulgar, but all statesmen. But, as his Majesty doth excellently consider, the time of it is not yet proper. I ever rest

Your Lordship's most obliged friend,
and faithful servant,
Fr. Verulam, Canc.

October 19th, 1620.

4.

Bacon's answer to the King's letter in acknowledgment of the *Novum Organum* followed the next day; from which it will be seen that the dedication and presentation was not merely a compliment; he had reason to hope that the King might prove in one department a valuable fellow-labourer. Of the place which the collection of natural history held in his plan for the regeneration of philosophy I have spoken at large in my preface to the *Parasceve ad historiam naturalem et experimentalem* (Philosophical Works, vol. i. pp. 369–390), and endeavoured to show that (however subordinate its place may be in a true estimate) in *his own* estimate it stood *first* in importance,—as that part which (even without any of the rest) would be of much use, but without which all the rest would be of no use. "*Itaque huc res redit, ut organum nostrum, etiamsi fuerit absolutum, absque historiâ naturali non multum, historia naturalis absque organo non parum, instaurationem scientiarum sit provectura.*" Now there can be no doubt that if the King had taken a fancy to that part of the business, his assistance in "setting men to work" upon it would have been of inestimable value.

[1] Gibson Papers, vol. viii. f. 132. Copy by Meautys. Corrected by Bacon. Docketed in Bacon's hand, "L. St. Alb. to my L. of Buc. concerning a proclamation for Parliament."

TO THE KING.[1]

May it please your Majesty,

I cannot express how much comfort I received by your last letter of your own royal hand. I see your Majesty is a star, that hath benevolent aspect and gracious influence upon all things that tend to a general good.

> Daphni, quid antiquos signorum suspicis ortus?
> Ecce Dionæi processit Cæsaris astrum;
> Astrum, quo segetes gauderent frugibus, et quo
> Duceret apricis in collibus uva colorem.

This work which is for the bettering of men's bread and wine, which are the characters of temporal blessings and sacraments of eternal, I hope by God's holy providence will be ripened by Cæsar's star.

Your Majesty shall not only do to myself a singular favour, but to the business a material help, if you will be graciously pleased to open yourself to me in those things, wherein you may be unsatisfied. For though this work, as by position and principle, doth disclaim to be tried by any thing but by experience, and the resultats of experience in a true way; yet the sharpness and profoundness of your Majesty's judgment ought to be an exception to this general rule; aud your questions, observations, and admonishments, may do infinite good.

This comfortable beginning makes me hope further, that your Majesty will be aiding to me, in setting men on work for the collecting of a natural and experimental history; which is *basis totius negotii;* a thing which I assure myself will be from time to time an excellent recreation unto you; I say, to that admirable spirit of yours, that delighteth in light: and I hope well that even in your times many noble inventions may be discovered for man's use. For who can tell, now this Mine of Truth is once opened, how the veins go, and what lieth higher and what lieth lower? But let me trouble your Majesty no further at this time. God ever preserve and prosper your Majesty.

[1] Gibson Papers, vol. viii. f. 130. Copy, with corrections by Meautys. Docketed, "20 Octob. 1620. Yr Lp. to his M., of thanks for his gracious acceptance of your book."

The next letter accompanied three copies of the *Novum Organum* which had been sent to Sir Henry Wotton; now on an embassy in Germany, one who affected the acquaintance of men of learning and science, and would help to make the book known.

To Sir Henry Wotton.[1]

My very good Cousin,

The letter which I received from your Lordship upon your going to sea, was more than a compensation for any former omission; and I shall ever be very glad to entertain a correspondence with you in both kinds which you write of. For the latter, I am now ready for you, having sent you some ore of that mine. I thank you for your favours to Mr. Meautys,[2] and I pray continue the same. So wishing you out of your honourable exile, and placed in a better orb, I rest

Your Lordship's affectionate kinsman,

and assured friend,

Fr. Verulam, Canc.

York-house, 20 Oct., 1620.

5.

The voluntary contribution for the defence of the Palatinate had been taken up with alacrity by the nobility about the Court and in London, but the returns from the country were so slow in coming in as to suggest a doubt whether *the nation* was as eager in the cause as it had been supposed to be. When three weeks had passed without any considerable return, letters were sent round from the Council to all Peers, Bishops, Deans, etc., to explain what had been done, and why, and what was wanted, and what expected. It appears from the Calendar of State Papers that 109 of these circulars were despatched on the 25th of October; and since the slowness of the country in coming forward has been attributed to the darkness in which the people were kept as to the policy of the government, it may be well to show how the case was represented to them at this time.

[1] Stephens's first collection. p. 253. Not stated whence.
[2] John Meautys; see Wotton's answer to this letter. 'Reliquiæ' p. 374.

CIRCULAR FROM THE COUNCIL TO THE NOBILITY.[1]

After our very hearty commendations to your Lordship.

You may formerly have heard how the Palatinate, being the ancient heritage of the Count Palatine, his Majesty's son-in-law, and to descend to his Majesty's grand-children, is now invaded by a foreign enemy, many principal towns surprised, a great part of the country in the possession of strangers, and the inhabitants forced to take an oath against their natural Prince; whereupon his Majesty, out of considerations of nature, honour, and state, hath declared himself in the course of an auxiliary war for the defence and recovery of the same.

The occasion being so weighty and pressing hath moved his Majesty, by the general advice of us of his Council, to think of some course for the provision of treasure, of that nature as may serve as well to the maintenance and preserving of the present succors already sent, as the reinforcing them with new companies as the occasion of the wars shall require. And for that the swiftness of the occasion would not permit a supply by other means for the present so readily as was needful, we have all concurred to begin with ourselves in offering a voluntary gift unto his Majesty for the advancement of the present occasion; assuring ourselves that your Lordship being a Peer of the kingdom will cheerfully and readily follow the example of us begun. And if there were much alacrity and readiness found in the nobility and others to contribute at the motion of his Majesty's son's ambassador, at what time the Palatinate was not invaded, neither had his Majesty declared himself, you will much more and in a better proportion do it, now these two so weighty motives do concur. And so, nothing doubting of your Lordship's readiness herein, we bid you heartily farewell. From Whitehall, the 25th of October, 1620.

Your Lordship's very loving friends

G. CANT., FR. VERULAM CANC., E. WORCESTER,
T. ARUNDELL, LENOX, H. SOUTHAMPTON,
LA. WINTON, G. CAREW, J. DIGBYE,
ROBERT NAUNTON, GEO. CALVERT.

T. EDMONDES.

[1] S. P. Dom. vol. 117, no. 30.

The invitation to contribute was addressed only to the wealthy classes; and it is plain that after this they must all have known perfectly well that the policy of the government was to defend the Palatinate, that the danger was near, and the need of money to meet it urgent. If the wealthy classes of the country, so appealed to, contributed little, the inference must surely be that their zeal was not much to be depended upon. The leaders of the war-party were zealous enough, and not too scrupulous; but the followers do not seem to have been overpowering either in numbers or devotion.

For the time, however, which must necessarily pass before Parliament could meet—the announcement of which did not wait for the result of the circular—the money subscribed (amounting altogether to about half a subsidy) was no inconsiderable help: and if the progress of the contribution showed that the constituencies were not so eager in the cause as the politicians, it served for a warning not to rely too confidently upon the disposition of the House which they were to return.

6

We have seen that the Attorney-General was suspended from his office in June, for inserting unwonted clauses in the charter of the City of London; and that, though he offered to confess the error and make submission in writing, a public proceeding was considered necessary, and therefore he was to be called to his answer in the Star Chamber. The hearing was fixed for the 27th of October, and on the 24th Bacon set down the following note of what he intended to say—a copy of which was found among his papers.

Notes upon Mr. Attorney's cause.[1]

Sorry for the person, being a gentleman that I lived with in Gray's Inn; served with him when I was attorney; joined with since in many services, and one that ever gave me more attributes in public than I deserved; and besides a man of very good parts; which with me is friendship at first sight; much more joined with so antient acquaintance.

But, as a Judge, I hold the offence very great, and that without pressing measure; upon which I will only make a few observations, and so leave it.

[1] Gibson Papers, vol. viii. f. 133. Copy by Meautys. No fly-leaf. Indorsed "Star-Chamber, October 24, 1620. Notes upon Mr. Attor.'s cause."

1. First I observe the danger and consequence of the offence: for if it be suffered that the learned counsel shall practise the art of multiplication upon their warrants, the crown will be destroyed in small time. The great seal, the privy seal, signet, are solemn things; but they follow the King's hand. It is the bill drawn by the learned counsel and the docket, that leads the King's hand.

2. Next I note the nature of the defence. As first that it was error in judgment; for this surely if the offence were small though clear, or great but doubtful, I should hardly sentence it. For it is hard to draw a straight line by steadiness of hand; but it could not be the swerving of the hand. And herein I note the wisdom of the law of England, which termeth the highest contempts and excesses of authority, *Misprisions*; which (if you take the sound and derivation of the words) is but *mistaken*: but if you take the use and acception[1] of the word, it is high and hainous contempts and usurpations of authority; whereof the reason I take to be, and the name excellently imposed, for that main mistaking, it is ever joined with contempt; for he that reveres will not easily mistake; but he that slights, and thinks more of the greatness of his place than of the duty of his place, will soon commit misprisions.

The cause came on upon the day appointed; but "on that day," says a reporter who though not present on this occasion has left us the fullest account of the trial,—[2]

"only the bill was opened by Sir Randall Crew, the King's Sergeant, briefly, with tears in his eyes. And Mr. Attorney's submissive answer by John Finch: Mr. Attorney himself being there present, standing at the bar among the ordinary counsellors, where with dejected looks, weeping tears, and a brief, eloquent, and humble oration, he made a submission, acknowledging his error, but denying the corruption; and in the end, after solemn debate of all the Lords, procured the cause to be put off till his Majesty were made acquainted with his public acknowledgment, and his further pleasure known, whether any further proceedings should be had in this cause."

It is to this proceeding that Bacon refers in the next letter.

[1] So in MS. [2] Harl. MSS. 6055.

To the Marquis of Buckingham.[1]

My very good Lord.

It may be your Lordship will expect to hear from me what passed yesterday in the Star-Chamber touching Yelverton's cause; though we desired Secretary Calvert to acquaint his Majesty therewith.

To make short, at the motion of the Attorney, in person at bar, and at the motion of my Lord Steward in court, the day of proceeding is deferred till the King's pleasure known. This was against my opinion, then declared plain enough; but put to votes, and ruled by the major part; though some concurred with me.

I do not like of this course, in respect that it puts the King in a strait; for either the note of severity must rest upon his Majesty, if he go on; or the thanks of clemency is in some part taken away, if his Majesty go not on.

I have *cor unum et via una*; and therefore did my part as a Judge and the King's Chancellor. What is further to be done I will advise the King faithfully when I see his Majesty and your Lordship. But before I give advice, I must ask a question first. God ever preserve and prosper you.

Your Lordship's most obliged friend,
and faithful servant,
Fr. Verulam, Canc.

October 28, 1620.

I do not find any account of the advice which Bacon gave when he had got the answer to his question; but I presume that, the case being the same as it was in June, his advice would be the same—namely that the public hearing could not be dispensed with: and it was ultimately fixed for the 8th of November.

In the meantime Bacon sent another copy of the *Novum Organum* to the Cambridge University Library with the following letter:—

Almæ Matri Academiæ Cantabrigiensi.[2]

Cum vester filius sim et alumnus, voluptati mihi erit, partum meum nuper editum vobis in gremium dare: aliter enim

[1] Gibson Papers, vol. viii. f. 134. Copy by Meautys. No fly-leaf. Indorsed, "To L. Marq[s] Buck[m] touching what passed in Star-Chamber at the hearing of Mr. Attorney's Cause."

[2] From a facsimile of the orginal in the University Library.

velut pro exposito eum haberem. Nec vos moveat, quod via nova sit. Necesse est enim talia per ætatum et sœculorum circuitus evenire. Antiquis tamen suus constat honos; ingenii scilicet: nam fides Verbo Dei et Experientiæ tantùm debetur. Scientias autem ad experientiam retrahere, non conceditur: at easdem ab experientiâ de integro excitare, operosum certè sed pervium. Deus vobis et studiis vestris faveat.

Filius vester amantissimus,

FR. VERULAM, Canc.[1]

Apud Ædes
Eboracenses,
31 Oct. 1620.

7.

On the 8th of November, when Yelverton appeared before the Star Chamber to answer the charge against him, "the Lords" (says the same reporter, now an eye-witness) "being assembled again, my Lord Chancellor began the work of the day thus:—

My Lords, it rests in your remembrance how by the discretion of this Court this cause was referred to the King and by his pleasure is again remitted to the Court. His Majesty distinguishes of the times of justice and of mercy, which he would have keep order; and this he does upon three grounds, which he would have to be published here.

1. First, Mr. Attorney's submission, being by us related to his Majesty, sounded well, and he seemed somewhat satisfied therewith: yet it being sent for under Mr. Attorney's hand and looked into, it was found such as stands not with his honour to accept: for that there is a passage in it as if the King begged a submission from him, being formerly asked by his Majesty whether he would defend himself or submit to his mercy: whereby he implied as if there had been some covert promise; which is false. And he leaves not his fault great enough for this Court to censure; so as it were needless to show mercy where there is no cause of judgment. And God forbid I should live to

[1] "As your son and pupil, I desire to lay in your bosom my new-born child. Otherwise I should hold it for a thing exposed. Let it not trouble you that the way is new; for in the revolutions of time such things must needs be. Nevertheless the ancients retain their proper honour—that is, of wit and understanding; for faith is due only to the Word of God and to Experience. Now to bring the sciences back to experience is not permitted; but to grow them anew out of experience, though laborious, is practicable. May God bless you and your studies.

Your most loving son."

punish errors in judgment, credulity, or faults crept in by error,[1] not ushered in by consent. He says also he was resolved to submit, notwithstanding there was life and freedom in his defence, and a way left open by his Counsel to avoid censure:[2] which being thus (my Lords) it is not the King's grace to remit, but Mr. Attorney's grace to the King to submit.

2. The second ground is that, were the submission never so full, yet is it *extra judicium*. And Mr. Attorney doth rather justify himself; for he says he does not think there is anything in the charter that is not in effect in his warrant.

3. Lastly, his Majesty will not begin an example to interpose between hearing and judgment. But he bars none to inform him afterwards of his submissness either for matter or manner of favour: for mercy in its due place doth not cross but adorn justice.

Now proceed."

Then follows a report of the arguments and the judgments of the several Lords in order; into which (except Bacon's, which comes last) I need not enter; though as bearing upon the question of the character and composition of the Court, it may be worth while to add their names and offices, viz. Sir Edward Coke, late Lord Chief Justice; Sir Fulke Greville, Chancellor of the Exchequer; Sir Harry Hubbert, Chief Justice of the Common Pleas; Sir Julius Cæsar, Master of the Rolls; Sir Henry Montague, Chief Justice of the King's Bench; Secretary Calvert; Sir Thomas Edmunds, Treasurer of the Household; Dr. Andrewes, Bishop of Winchester; Earl of Arundel; Earl of Pembroke, Lord Chamberlain; Dr. Abbot, Archbishop of Canterbury; Lord Verulam, Lord Chancellor.

Sir Edward Coke had to give his sentence first, and proposed a fine of 6000*l.*[3] but the rest were content with 4000*l.* and Bacons' speech in conclusion is thus given by the same reporter—though apparently not with the same accuracy. It had been a long day's work; and it is not to be wondered at if the attention or the hand could not follow so well.

[1] "I mistook many things, I was improvident in some things, and too credulous in all things." Yelverton's Speech to the Lords. S. P. Dom. vol. cxvii, no. 35.

[2] "Though there was offered unto me and my counsel such a way of defence, as I might have escaped, yet I protest I did reject it because I would not distrust his Majesty's mercy." Ib.

[3] S. P. Dom. vol. cxvii, no. 76.

SPEECH IN STAR CHAMBER, 10 NOVEMBER, 1620.

I clear the Recorder, and commend the City's discretion. The sentence rests on Mr. Attorney, of whom I shall tell you what my heart tells me,—that I am heartily sorry for him. He was one that served with me when I was attorney, and gave me many respects in my place, and I observed him then to be a man of great integrity and excellent judgment. His offence is great, and I am sorry for it. I will only deliver an observation or two, and so end. [First I observe] the danger and the consequence of his offence. For if the King's counsel be suffered to practise by multiplication on their warrant, the crown will be undone in a short time. The Signet, Privy Seal, Great Seal, all these follow the Attorney's hand.[1] My Lord Chief Justice told of a fault in a Chancellor that was too forward to put to the Great Seal: But it is a greater in the Attorney that leads it. The Lord Chancellor deceased, when a strange pardon was brought him, gave this answer: if I should set the seal to this pardon, the next suit I would make to the King shall be to crave a pardon for myself. My Lords, because I take greater pleasure to admonish than punish, and because the lessons of this Court are as censures and judgments to others, I will give others that counsel which I received from the observation of the place. If a warrant be doubtful or too short, let him forbear to do anything upon it. But let him never take hold of a verbal warrant, nor of a pieced warrant, some made at one time, some at another; but let him cause them to make a fair warrant *de novo*. For the docket, let him deal fairly therein, and if he think the King will startle at anything, let him not smooth it. And be sure to involve nothing in general but matter of course. Nor to relate to the warrant, for that sometimes passes from the King upon credit, but the docket upon judgment: for the King always reads that. Much of the life blood of the crown breathes or beats in this vein. Nor is it fit for the attorney to move suits or tell others how to draw warrants. But I advise all suitors not to make a suit of two pieces, nor after they have moved one thing to slide into another; for this day may teach

[1] So. in MS. But a clause must have dropped out. "All these *follow* [the King's hand: the Attorney's docket *leads* the King's] hand." See above, p. 134.

them that they may be called into question for surreption. For the greatness of the fault, I shall not insist upon it, it hath already been so soundly sounded. The City is a noble body of well-deserving subjects. I hold them honourable; and none shall desire more than I that they may be free from fears and molestations. But let them not go too far: for it is one thing to take away the shackles, another to take away the girdle. To free them from wars and courts of justice![1] This is the mere life of the state. It is not fit such liberties should be poured on them: let them be beholden to those sweet showers of the King's favours they receive, but let us have no dashes. For the other fault of fees, to make it greater is superfluous. For error of judgment, the wisdom of the law sometimes appears in fitness of terms; and if a man by the greatness of his mind shall only think on the authority of his place, and think to slip away under the name of a mistaking, he may soon commit misprision.[2] Here is a wilful excess: his authority was to be guided by precedent and anteacts: therefore erring upon a warrant, this aggravates the fault. He had the former charters, he went as far as they, and also further; he kept the rule by him, and yet he transgresses. For extenuation of the fact, I am satisfied there was no corruption of reward. But in truth that makes the offence rather divers than less: for some offences are black, some scarlet, some sordid, some presumptuous. His warrant was to pass whatsoever had been formerly granted or intended to the City: but that must never appear but in a patent expressly. And to accept of usage by such as were interessed therein was palpable error.

Now it rests that I fine him; wherein I shall the rather abate him in the money punishment, because his error arose not out of money, as Mr. Chancellor well observed. Therefore I agree to the least fine of 4000*l.* and to the rest of his punishment; for his place I declare him unfit for it, and so leave it to his Majesty to dispose of it.

The next day Bacon reported to Buckingham the result of the proceeding.

[1] This I think must be the proper punctuation. The MS. has only a comma after "justice."

[2] There is evidently some confusion here in the report. For the effect of what was said, see the concluding paragraph of the "Notes."—p. 134.

LORD CHANCELLOR BACON TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

Yesternight we made an end of Sir Henry Yelverton's cause. I have almost killed myself with sitting almost eight hours. But I was resolved to sit it through. He is sentenced to imprisonment in the Tower during the King's pleasure. The fine of 4000*l.* and discharge of his place, by way of opinion of the court, referring it to the King's pleasure. How I stirred the court, I leave it to others to speak; but things passed to his Majesty's great honour. I would not for any thing but he had made his defence; for many chief points of the charge were deeper printed by the defence. But yet I like it not in him; the less because he retained Holt, who is ever retained but to play the fool. God ever prosper you.

Your Lordship's most obliged friend,
and faithful servant,
FR. VERULAM, Canc.

11 Nov. 1620.

8.

The preparations for Parliament had been going on all this time without intermission. It had been settled that it was to meet on the 16th of January; and the proclamation, as altered by the King —"who would not be entreated," says Chamberlain, "by the Lord Chancellor and the Lord Chamberlain to leave out the word 'wrangling lawyers'"—had been sent forth on the 7th of November. The letters which follow will explain themselves.

TO THE KING.[2]

It may please your most excellent Majesty,

In performance of your royal pleasure, signified by Sir John Suckling, we have at several times considered of the petition of Mr. Christopher Villiers, and have heard as well the registers and ministers of the Prerogative Court of Canterbury, and their counsel, as also the counsel of the Lord Archbishop of Canterbury. And setting aside such other points as are

[1] Birch, from the collections of Robert Stephens.
[2] Gibson Papers, vol. viii. f. 184. Draught, with interlinear corrections by Meautys.

desired by the petition, we do think, That your Majesty may by law and without inconvenience appoint an officer that shall have the ingrossing of the transcripts of all wills to be sealed with the seal of either of the Prerogative Courts which shall be proved *in communi formâ;* and likewise of all inventories to be exhibited in the same courts.

We see it necessary that all wills which are not judicially controverted be ingrossed before the probate. Yet, as the law now stands, no officer of those courts can lawfully take any fee or reward for ingrossing the said wills and inventories, the statute of the 21st of King Henry the 8th restraining them. Wherefore we hold it much more convenient that it should be done by a lawful officer to be appointed by your Majesty, than in a course not warrantable by law.

Yet our humble opinion and advice is, that good consideration be had in passing this book, as well touching a moderate proportion of fees to be allowed for the pains and travel of the officer, as for the expedition of the suitor, in such sort that the subject may find himself in better case than he is now, and not in worse.[1]

But howsoever we conceive this may be convenient in the two courts of prerogative, where there is much business; yet in the ordinary course of the Bishops diocesans, we hold the same will be inconvenient, in regard of the small employment.[2]

Your Majesty's most faithful,
and obedient servants,
Fr. Verulam, Canc.
Robert Naunton,
Henry Montagu.

15 Nov. 1620.

Sir Robert Anstruther returning from Denmark about this time brought Bacon another letter from King Christian, to which he returned the following answer:—

[1] Originally "that no just grievance of the subject may thereby be occasioned."

[2] The last paragraph is added in Meautys's hand.

SERENISSIMO AC POTENTISSIMO REGI AC DOMINO, DOMINO CHRISTIANO QUARTO, DEI GRATIA DANIÆ, NORVEGIÆ, VANDALORUM, GOTHORUMQUE, ETC., REGI, DOMINO SUO CLEMENTISSIMO.[1]

Accepi literas Majestatis Vestræ per manus Domini Rob. Amstrudder, affinis mei, viri servitio Majestatis Suæ imprimis dediti; quarum nomine humillimas gratias ago Serenitati Suæ, quod me honorificâ et benignâ literarum suarum compellatione indies magis obligatum velit; summâ autem afficiebar voluptate quod in illis literis animum Serenitatis Suæ pium ac vere regium perspexerim. Cum enim bellicâ virtute floreat, pacis tamen cultorem se profitetur; rursus sub ipsâ pacis mentione veræ Religionis patrocinium anteponit. Itaque opto ut ex votis suis quæ cum nostris sunt conjunctissima, omnia fæliciter succedant. Superest ut humillime exosculer manus Majestatis Vestræ, eique omnia prospera perpetuo comprecer.

Majestatis Vestræ omni observantia et devotione servus addictissimus.

FR. VERULAM, Canc.

Ex Ædibus Eboracensibus,
Nov. 19, 1620.

TO THE MARQUIS OF BUCKINGHAM.[2]

Our very good Lord,

We thought it our duty to impart to his Majesty by your Lordship one particular of Parliament business, which we hold it our part to relate, though it be too high for us to give our opinion of it.

The officers that make out the writs of Parliament addressed themselves to me the Chancellor to know, whether they should

[1] 'Archaeologea,' vol. xli.

"I have received your Majesty's letters by the hands of Sir Robert Anstruther, my kinsman, a man especially devoted to your service, and I most humbly thank your Serenity for vouchsafing by these your honourable and gracious communications to make me daily more and more obliged; but that which gives me the highest pleasure is to see the pious and truly royal mind which appears in those letters; wherein your Serenity though eminent in warlike virtue yet professes devotion to peace: and again along with the mention of peace prefers before it the protection of true Religion. May all things therefore succeed happily according to your wishes, which are most closely allied with ours. It remains for me humbly to kiss your Majesty's hands and pray that in all things you may always prosper."

[2] Stephens's second collection, p. 129. From the original.

make such a writ of summons to the Prince, giving me to understand that there were some precedents of it; which I the Chancellor communicated with the rest of the committees for Parliament business; in whose assistance I find so much strength that I am not willing to do any thing without them: Whereupon we (according to his Majesty's prudent and constant rule for observing in what reigns the precedents were) upon diligent search have found as followeth.

That King Edward I. called his eldest son Prince Edward to his Parliament in the thirtieth year of his reign, the Prince then being about the age of eighteen years; and to another Parliament in the four and thirtieth year of his reign.

Edward III. called the Black Prince his eldest son to his Parliament in the five and twentieth, eight and twentieth, and two and fortieth years of his reign.

Henry IV. called Prince Henry to his Parliaments in the first, third, eighth, and eleventh years of his reign, the Prince being under age in the three first Parliaments, and we find in particular that the eighth year the Prince sat in the Upper-House in days of business and recommended a bill to the Lords.

King Edward IV. called Prince Edward his son to his Parliament, in *anno* 22 of his reign, being within age.

King Henry VII. called Prince Arthur to his Parliament in the seventh year of his reign, being within age.

Of King Edward VI. we find nothing, his years were tender, and he was not created Prince of Wales.

And for Prince Henry, he was created Prince of Wales during the last Parliament at which he lived.

We have thought it our duty to relate to his Majesty what we have found, and withal that the writs of summons to the Prince are not much differing from the writs to the Peers; for they run *in fide et ligeancia,* and sometime *in fide et homagio in quibus nobis tenemini,* and after, *consilium nobis impensuri circa ardua regni.* Whereby it should seem that Princes came to Parliament not only [on] the days of solemnity, when they came without writ, but also on the days of sitting. And if it should be so, then the Prince may vote, and likewise may be of a Committee of the Upper-House, and consequently may be of a Conference with the Lower-House, and the like.

This might have been made more manifest as to the presence

and acts of the Prince in days of sitting, if through the negligence of officers the journal books of the Upper-House of Parliament before the reign of king Henry VIII. were not all missing.

All which we thought it appertained to our care to look through, and faithfully to represent to his Majesty; and having agreed secrecy amongst ourselves, and enjoined it to the inferior officers, we humbly desire to know his Majesty's pleasure, whether he will silence the question altogether, or make use of it for his service, or refer it to his Council, or what other course he will be pleased to take according to his great wisdom and good pleasure.

This we have dispatched the sooner, because the writs of summons must have forty days distance from the first days of the Parliament. And for the other parts of our accounts, his Majesty shall hear from us, by the grace of God, within few days; evermore praying for his Majesty's prosperity, and wishing your Lordship much happiness.

Your Lordship's to be commanded,

FR. VERULAM, Canc., EDW. COKE, H. MONTAGU,
HENRY HOBARTE, RAN. CREW.

York-house, 21 Nov. 1620.

TO THE LORD CHANCELLOR.[1]

After my very hearty commendations, I have acquainted his Majesty with your letter, who commanded me to tell you that he had been thinking upon the same point whereof you write three or four days ago, being so far from making any question of it, that he every day expected when a writ should come down; for at the creation of Prince Henry, the Lords of the Council and Judges assured his Majesty of as much as the precedents mentioned in your letter speak of. And so I rest

Your Lordship's very loving friend at command,

G. BUCKINGHAM.

Newmarket, the 24th of Nov. 1620.

[1] Harl. MSS. 7000, f. 32. Original. Docketed "Nov. 24, 1620. Shewing his M. is satisfied with precedents touching the Prince's summons to Parliament."

To the R. Honourable our very good L. the Marq: of Buckingham L. High Admiral of England.[1]

Our very good Lord,

It may please his Majesty to call to mind, that when we gave his Majesty our last account of parliament business in his presence, we went over the grievances of the last parliament in 7 ^{mo}, with our opinion, by way of probable conjecture, which of them are like to fall off, and which may perchance stick and be renewed. And we did also then acquaint his Majesty, that we thought it no less fit to take into consideration grievances of like nature, which have sprung since the said last session, which are the more like to be called upon, by how much they are the more fresh; signifying withal that they were of two kinds; some, Proclamations and Commissions, and many Patents; which nevertheless we did not then trouble his Majesty withal in particular; partly for that we were not then fully prepared (it being a work of some length) and partly for that we then desired and obtained leave of his Majesty to communicate them with the Council-table. But since, I the Chancellor received his Majesty's pleasure by Secretary Calvert, that we should first present them to his Majesty with some advice thereupon, provisional, and as we are capable, and thereupon know his Majesty's pleasure before they be brought to the table, which is the work of this dispatch.

And herein his Majesty may be likewise pleased to call to mind, that we then said, and do now humbly make remonstrance to his Majesty, that in this we do not so much express the sense of our own minds or judgments upon the particulars, as we do personate the Lower House, and cast with ourselves what is like to be stirred there. And therefore if there be any thing, either in respect of the matter or the persons, that stands not so well with his Majesty's good liking, that his Majesty would be graciously pleased not to impute it unto us; and withal to consider that it is to this good end, that his Majesty may either remove such of them as in his own princely judgment or with

[1] Tanner MSS. 290, f. 33. Original. The rough draught (with many corrections in Bacon's own hand), is in Gibson Papers, vol. viii. f. 238. Docketed by him "The Lord Chancellor and two Chief Justices to the King concerning Parliament business."

the advice of his council he shall think fit to be removed; or be the better provided to carry through such of them as he shall think fit to be maintained, in case they should be moved; and so be the less surprised.

First, therefore to begin with the Patents; we find three sorts of patents (and those somewhat frequent, since the session of 7 mo) which *in genere* we conceive may be most subject to exception of grievance;[1] Patents of Old Debts, Patents of Concealments, and Patents of Monopolies, and Forfeitures of or dispensations with Penal Laws, together with some other particulars, which fall not so properly under any one head.

In these three kinds, we do humbly advise several courses to be taken. For the first two, of Old Debts and Concealments, for that they are in a sort legal (though there may[2] be found out some point in law to overthrow them) yet it would be a long business by course of law, and a matter unusual by Act of Council, to call them in. But that that moves us chiefly to avoid the questioning them at the Council-Table, is because if they shall be taken away by the King's act, it may let in upon him a flood of suitors for recompence; whereas if they be taken away at the suit of the Parliament, and a law thereupon made, it frees the King, and leaves him to give recompence only where he shall be pleased to extend grace. Wherefore we conceive the most convenient way will be, if some grave and discreet gentlemen of the country, such as have least relation to the court, make at fit times some modest motion touching the same; That his Majesty would be graciously pleased to permit some law to pass (for the time past only) no ways touching his Majesty's regal power, to free his subjects from the same; and so his Majesty, after due consultation, to give way unto them.

For the third, we do humbly advise that such of them as his Majesty shall give way to have called in, may be questioned before the Council-Table, either as granted contrary to his Majesty's book of bounty, or found since to have been abused in the execution, or otherwise by experience discovered to be

[1] In the draught, as it originally stood, "which *in genere* will be much for his Ma^ty's, honour and the knitting of the hearts of his people the better unto him, if in some convenient manner without prejudice at all to his Ma^ty's regal power, may be abolished; Patents of old Debts," etc. The alteration is in Bacon's hand.

[2] 'Perhaps' erased in the draught.

burdensome to the country. But herein we shall add this further humble advice, that it be not done as matter of preparation to a Parliament; but that occasion be taken, partly upon revising of the book of bounty, and partly upon the fresh example, in Sir Henry Yelverton's case, of abuse and surreption in obtaining of patents; and likewise that it be but as a continuance in conformity of the Council's former diligence and vigilancy, which hath already stayed and revoked divers patents of like nature, whereof we are ready to shew the examples. Thus we conceive his Majesty shall keep his greatness, and somewhat shall be done in Parliament, and somewhat out of Parliament, as the nature of the subject and business requires.

We have sent his Majesty herewith a schedule of the particulars of these three kinds; wherein, for the first two, we have set down all that we could at this time discover. But in the latter we have chosen out but some that are most in speech, and do most tend either to the vexation of the common people, or the discontenting of the gentlemen and justices; the one being the original, the other the representative of the Commons.

There be many more, of like nature but not of like weight, nor so much rumoured, which to take away now in a blaze will give more scandal that such things were granted, than cause thanks that they be now revoked. The Council may be still doing.

And because all things may appear to his Majesty in the true light, we have set down as well the suitors as the grants, and not only those in whose names the patents were taken, but those whom they concern, as far as came to our knowledge.[1]

For Proclamations and Commissions, they are tender things; and we are willing to meddle with them sparingly. For as for such as do but wait upon Patents (wherein his Majesty, as we conceived, gave some approbation to have them taken away) it is better they fell away by taking away the Patent itself than otherwise; for a Proclamation cannot be revoked but by a Proclamation, which we would avoid.

For those Commonwealth Bills, which his Majesty approved to be put in readiness, and some other things, there will be time enough hereafter to give his Majesty account, and amongst

[1] This paragraph is inserted in the margin of the draught, in Bacon's hand.

them of the extent of his Majesty's pardon, which if his subjects do their part, as we hope they will, we do wish may be more liberal than of later times, pardons being the ancient remuneration in Parliament.

Thus hoping his Majesty out of his gracious and accustomed benignity will accept of our faithful endeavours, and supply the rest by his own princely wisdom and direction, and also humbly praying his Majesty that when he hath himself considered of our humble propositions, he will give us leave to impart them all, or as much as he shall think fit, to the Lords of his Council, for the better strength of his service, we conclude with our prayers for his Majesty's happy preservation, and always rest

Yo^r Lps. to be commanded,

FR. VERULAM, Canc. H. MONTAGU,
EDW. COKE, HENRY HOBARTE,
RAN. CREWE.

29th November, 1620.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

Your Lordship may find that in the number of patents which we have represented to his Majesty as like to be stirred in by the Lower House of Parliament, we have set down three which may concern some of your Lordship's special friends, which I account as mine own friends; and so showed myself when they were in suit. The one, that to Sir G. Montpessons, touching the inns; The second, to Mr. Christopher Villiers and Mr. Maule, touching the recognizances for ale-houses: The third, to Mr. Lieutenant of the Tower, touching the cask.

These in duty could not [be] omitted, for that (specially the first two of them) are more rumoured, both by the vulgar and by the gentlemen, yea, and by the Judges themselves, than any other patents at this day. Therefore I thought it appertained to the singular love and affection which I bear you, upon so many obligations, to wish and advise, that your Lordship (whom God hath made in all things so fit to be beloved) [2] would put off the

[1] Gibson Papers, vol. viii. f. 135. Draught, or copy, all in Bacon's own hand; except the last paragraph of the postscript. No fly-leaf. Indorsed "To Lo. Marq^s Buck^m. Patents to be sifted before the Parlia^mt."

[2] Opposite this parenthesis is written in Bacon's own hand "that of Secrecye," a memorandum probably for the last paragraph of the postscript.

envy of these things (which I think in themselves bear no great fruit), and rather take the thanks for ceasing them, than the note for maintaining them. But howsoever, let me know your mind, and your Lordship shall find I will go your way.

I cannot express how much comfort I take in the choice his Majesty hath made of my Lord Chief Justice to be Lord Treasurer;[1] not for his sake, nor for my sake, but for the King's sake; hoping that now a number of counsels which I have given for the establishment of his Majesty's estate, and have lyen dead and buried deeper than this snow, may now spring up and bear fruit; the rather for that I persuade myself he and I shall run one way. And yet I know well that in this doubling world *cor unum et via una* is rare in one man, but more rare between two. And therefore, if it please his Majesty, according to his prudent custom in such cases, to cast out now at his coming down some words which may the better knit us in conjunction to do him service, I suppose it will be to no idle purpose.

And as an old truant in the commission of the treasure, let me put his Majesty in remembrance of three things now upon his entrance, which he is presently to go in hand with: The first, to make Ireland to bear the charge thereof: The second, to bring all accounts to one purse in the Exchequer: The third, by all possible means to endeavour the taking off of the anticipations. There be a thousand things moe; but these, being his Majesty's last commands to the Commissioners of the Treasury, (with such as in his Majesty's princely judgment shall occur) will do well to season his place.

Your Lordship's most obliged friend,
and faithful servant,
Fr. Verulam, Canc.

29 November, 1620.

As soon as I had written this letter, I received your Lordship's letter touching my Lord Chief Justice, which redoubled my

[1] He received the Treasurer's staff at Newmarket on the 3rd of December, took the oath on the 16th, and was created Baron Kimbolton and Viscount Mandeville on the 19th. "On Saturday last (says Chamberlain, writing on the 22d) the Lord Treasurer was solemnly sworn in the Exchequer, though it has been seldom seen, and few or no precedents to have it done out of the Term: but the Lord Chancellor's opinion was that if there were none, this should stand for a precedent." S.P. vol. 118. no. 39.

comfort, to see how his Majesty's thoughts, and mine his poor servant's, and your Lordship's met.

I send inclosed names for the Speaker; and if his Majesty or your Lordship demand our opinion which of them, my Lord Chief Justice will tell you. It were well it were dispatched; for else I will not dine with the Speaker; for his drink will not be laid in time enough.

I beseech your Lordship, care may be taken, that our general letter may be kept secret, whereof my Lord Chief Justice will tell you the reason.[1]

TO THE KING.[2]

It may please your most excellent Majesty,

According to your commandment, we have heard once more the proctors of the Prerogative-Court, what they could say; and find no reason to alter in any part our former certificate. Thus much withal we think fit to note to your Majesty, That our former certificate, which we now ratify, is principally grounded upon a point in law, upon the statute of 21st Henry 8th, wherein we the Chancellor and Treasurer, for our own opinions, do conceive the law is clear, and your Sollicitor General concurs.

Now whether your Majesty will be pleased to rest in our opinions and so to pass the patents; or give us leave to assist ourselves with the opinion of some principal Judges now in town, whereby the law may be the better resolved to avoid further questioning hereafter, we leave it to your Majesty's royal pleasure.[3]

This we represent the rather, because we discern such a confidence in the proctors and those upon whom they depend, as it is not unlike they will bring it to a legal question. And so

[1] This paragraph is added in another hand. The "general letter" is the one immediately preceding, signed by all the Commissioners.

[2] Gibson Papers, vol. viii. f. 136. Draught in Meautys's hand. Docketed in another, "The draught of the second certificate to his M. touching the engrossing of Wills. Dec. 12, 1620."

[3] For the King's decision, see Buckingham's letter of the 17th of December to the Lord Chancellor and Lord Treasurer; p. 154.

we humbly kiss your Majesty's hands, praying for your preservation.

Your Majesty's most humble,
and obedient servants,
Fr. Verulam, Canc,
Henry Montagu,
Robert Naunton.

York-house, 12th December, 1620.

To the Marquis of Buckingham.[1]

My very good Lord,

We have these two days past made report to the board of our Parliament committee; upon relation whereof, for some things we provide, for some things we arm.

The King, by my Lord Treasurer's signification did wisely put it upon a consult, whether the patents which we mentioned in our joint letter were at this time to be removed by act of Council before Parliament. I opined (but yet somewhat like Ovid's mistress, that strove, but yet as one that would be overcomen) that yes. My reasons:

That men would go better and faster to the main errand.

That these things should not be staged nor talked of, and so the less fuel to the fire.

That in things of this nature, the Council had done the like in former particulars which I enumerated, before Parliament, near Parliament, during Parliament; and that the Council was to keep their wonted centinel, as if they thought not of a Parliament.

That there was enough left for the Parliament to desire in other patents, as concealments, etc.

The reasons on the other side were:

That it would be thought but an humouring of the Parliament (being now in the Calends of a Parliament) and that after Parliament they would come up again.

[1] Gibson Papers, vol. viii. f. 187. Fair copy by Meautys, with corrections and interlineation in Bacon's hand. Docketed, "The Lo. Chancellor Verulam touching some things to be prepared for a Parliam[t]." There is a copy in the Tanner MSS. (290, f. 242) which was printed by Blackbourne and agrees with this copy as it stood before the corrections were made.

That offered graces, by reason and experience leese their thanks.

That they are to be suffered to play upon some things, since they can do nothing of themselves.

That the choosing out of some things when perhaps their minds might be more upon other things would do no great effect.

That former patents taken away by act of Council were upon the complaints of particular persons, whereas now it should seem to be done *tanquam ex officio*.

To this I yielded, though I confess I am yet a little doubtful upon the point of *suavibus modis*. But it is true that if way be given, as I wrote to your Lordship in my last, to the taking away of some of them,[1] it will sort to your honour.

For other things, the Lords have put them in a very good way, of which I will give express account when I see his Majesty, as also of other observations concerning Parliament. For if his Majesty said well, that when he knew the men and the elections he would guess at the success; the prognosticks are not so good as I expected, occasioned by late occurrences abroad, and the general licentious speaking of state matters, of which I wrote in my last. God ever keep you.

Your Lordship's most obliged friend,
and faithful servant,
FR. VERULAM, Canc.

Dec. 16, 1620.

I have not met with any such letter as Bacon here refers to as his 'last.' But it was probably one in which he had recommended the issuing of a proclamation against licentious speaking and writing on state matters. The King, approving the suggestion, had directed him to draw one up: which he did (as will be seen by Buckingham's letter of the 21st of December), and the King liked it and ordered him to lay it before the Council (which he did the next day) and have it published at once. A proclamation answering the description, and dated the 24th of December, is printed in Rymer's

[1] This sentence stood originally in the MS. thus: "But it is trew the speech of these things in the lower house may be contemned, and yf way be given to them (as I wrote to your Lpp. in my last of some of them) it will sort to your honour." It is altered by Bacon to this. "But it is trew that yf way be given as I wrote to yor Lpp. in my last to some the taking away of some of them it will sort to your honour." I conclude that that the first "some" was left in by accident.

'Fœdera;' and (being no doubt the same) will be found in its place a little further on.

The "late occurrences abroad" were the defeat of Frederick at Prague on the 29th of October, and the capture of the city by the Bavarians. The news was first heard in England on the 24th of November, and so exasperated the popular hatred of Gondomar that he thought it necessary to apply to the Council for protection, who granted him a guard for his house. Among the political writings which the time brought forth was one entitled "*Vox populi*, or News from Spain, which may serve to warn both England and the United Provinces how far to trust to Spanish pretences." It was in the form of an imaginary conversation, and had come out just before. The Government were enquiring after the author;[1] who had taken the precaution to put himself out of reach; and it was probably one of the specimens of "lavish discourse and bold censure in matters of state" which suggested to Bacon the expediency of the Proclamation.

The disaster of Prague did not materially affect the preparations for the coming Parliament; for it tended only to strengthen and stimulate the popular desire for the defence of the Palatinate; and the more the House of Commons was bent upon that, the more easy it would be to deal with about domestic matters. But it did very materially alter the position of the Government upon the question, and opened a new prospect of settlement. Hitherto James had been unable to support his son-in-law without supporting what he conceived to be an unjustifiable rebellion—a bad cause. He was ready to support him only on condition that he resigned what he had no right to—which was the throne of Bohemia; but this Frederick would not do when he might, and since the war began he could hardly be asked to do it: for he could not with honour abandon his post while the enemy were at his gates, except upon conditions for his Protestant subjects more favourable than could be obtained. Now however—being a fugitive, without crown, people, army, or ally,—he might without dishonour confess himself beaten and give up the game. By renouncing his pretensions to the Bohemian throne he would at once relieve James from his perplexity,

[1] "Besides divers other businesses of the council here . . . I have another in hand, which is the discovery of that seditious book called *Vox populi*, whereof I have a hope to find out the author, and am now busy about it, having upon search of a suspicious person found out another pamphlet in his chamber of the like nature entitled Sir Walter Ralegh's ghost, or a conference between Gondomar the Friar Confessor and Father Baldwin the Jesuit, at Ely-house in Holborn. I assure your Lordship it is as seditious a book as the other, if not much worse, but not yet printed.' Naunton to Buckingham, 28 Nov. 1620. Fortescue Papers, p. 143.

and enable him with a clear conscience to make the recovery of the Palatinate his own cause. And it was upon this express condition that the King now assisted him with money, and prepared to assist him with arms, to recover it: an action in which upon the same condition he expected to have the co-operation of the King of Spain; who still intending Prince Charles to be his son-in-law, would surely never consent to the alienation of his sister's possessions. The winter months gave time for negotiations, which he set on foot immediately; and prepared to meet his Parliament with a declaration that he still hoped to recover the Palatinate by peaceful measures, but meant, if they failed, to go to war for it.

The next letter contains the King's decision upon the certificate of the three referees concerning the proposed patent for engrossing transcripts of wills, dated December 12.

To the Lord Chancellor, and the Lord Mandeville, Lord Treasurer of England.[1]

My honourable Lords,

His Majesty is pleased according to your Lordships' certificate to rely upon your judgments, and hath made choice of Sir Robert Lloyd, knight, to be patentee and master of the office of ingrossing the transcripts of all wills and inventories in the two Prerogative-Courts, during his Highness's pleasure, and to be accountant unto his Majesty for such profits as shall arise out of the same office. And his Majesty's farther pleasure is, that your Lordships forthwith proportion and set down, as well a reasonable rate of fees for the subject to pay for ingrossing the said transcripts, as also such fees as your Lordships shall conceive fit to be allowed to the said patentee for the charge of clerks and ministers for execution of the said office. And to this effect his Majesty hath commanded me to signify his pleasure to his Solicitor General, to prepare a book for his Majesty's signature.

And so I bid your Lordships heartily well to fare, and remain

Your Lordships' very loving friend,

G. Buckingham.

Royston, December 17, 1620.

To the Lord Chancellor.[2]

My honourable Lord,

As soon as his Majesty's convenience would permit, I have acquainted him with the draught of the proclamation your Lordship sent me by his Majesty's direction; which his Majesty liketh in every point so well,

[1] Harl. MSS, 7000. f. 35. Original. Docketed "17° Decemb. 1620. His M. pleasure signified by my Lo. of Buck^m to yor Lp. and my Lo. Treasurer touching the manner of the patent for engrossing the transcripts of wills."

[2] Harl. MSS, 7000. f. 37. Original. Docketed by Meautys "Dec. 21, 1620. Warrant for a proclamation against lavish speech."

both in matter and form, that he findeth no cause to alter a word in it, and would have your Lordship acquaint the Lords of the Council with it (though he assureth himself no man can find anything in it to be changed), and to take order for the speedy setting of it forth. And so I rest

Your Lp's faithful friend and servant,
G. BUCKINGHAM.

Theobalds, 21 Dec. 1620.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

I was so full of cold, as I could not attend his Majesty to-day. Yesterday I dispatched the proclamation with the Council. There was a motion to have sharpened it; but better none, than over sharp at first. I moved the Council also for supplying the committee for drawing of bills and some other matters, in regard of my Lord Hobart's sickness, who I think will hardly scape: which, though it be happiness for him, yet it is loss for us.

Meanwhile, as I propounded to the King (which he allowed well), I have broken the main of the Parliament business into questions and parts, which I send. It may be, it is an over-diligence; but still methinks there is a middle thing between art and chance: I think they call it providence, or some such thing; which good servants owe to their sovereign, specially in cases of importance and straits of occasions. And these huffing elections, and general licence of speech, ought to make us the better provided. The way will be, if his Majesty will be pleased to peruse these questions advisedly, and give me leave to wait on him; and then refer it to some few of the Council, a little to advise upon it. I ever rest

Your Lordship's most obliged friend,
and faithful servant,
FR. VERULAM, Canc.

December 23, 1620.

I have not met with any traces of the paper here referred to. It would have been interesting to observe whether among these "questions and parts" there was any hint of apprehension as to the

[1] Gibson Papers, vol. viii. f. 138. Copy by Meautys. No fly-leaf. Indorsed "Dec. 23, 1620. The Lo. Chancellor to my Lo. Marquess Buckingham, inclosing some questions and cases of Parliament business."

security of his own position. I should not expect to find any. His hopes of good to the state from this Parliament were already much clouded; but I do not think it had yet occurred to him that he had anything to fear for himself.

The Proclamation which he had despatched with the Council on the 22nd was no doubt the same in which the King had found nothing to alter on the 21st, and which was published on the 24th: It may therefore be taken for one of his own compositions,—writing in the person of the King.

A PROCLAMATION AGAINST EXCESS OF LAVISH SPEECH OF MATTERS OF STATE.[1]

Although the commixture of nations, confluence of ambassadors, and the relations which the affairs of our kingdom have had towards the business and interests of foreign states, have caused during our regiment a greater openness and liberty of discourse even concerning matters of state, which are no themes or subjects fit for vulgar persons or common meetings, than hath been in former times used or permitted;

And although in our own nature and judgment we do well allow of convenient freedom of speech, esteeming any over-curious or restrained hand carried in that kind rather as a weakness or else overmuch severity of judgment than otherwise; yet nevertheless forasmuch as it is come to our ears by common report that there is at this time a more licentious passage of lavish discourse and bold censure in matters of state than hath been heretofore, or is fit to be suffered, we have thought it necessary, by advice of our Privy Councell, to give forewarning unto our loving subjects of this excess and presumption, and straitly to command them and every of them from the highest to the lowest to take heed how they intermeddle by pen or speech with causes of state and secrets of empire either at home or abroad, but contain themselves within that modest and reverend regard of matters above their reach or calling that to good and dutiful subjects appertaineth;

As also not to give attention or any manner of applause or entertainment to such discourse, without acquainting some of our Privy Councillors or other principal officers therewithal,

[1] Rymer's 'Fœdera,' vol. vii. pt. 3, p. 187, A.D. 1620.

respective to the place where such speeches shall be used, within the space of four and twenty hours, under pain of imprisonment and our high displeasure: and let no man think after this our warning to pass away with impunity, in respect of the multitude and generality of offenders in this kind, but know that it will light upon some of the first or forwardest of them to be severely punished for example to others.

And if we shall be sensible of this kind of contempt even towards such of our loving subjects as are obedient to our laws and conformable to our proceedings in Church and Commonwealth, unto whom we cannot impute it to proceed otherwise than out of rashness, evil custom, or too much passion, much more let them look to it who in respect that they are otherwise liable to our laws or of suspected affection to our government, may give us just cause to think that it proceedeth from the overflow of a worse or more corrupt fountain;

Neither let any man mistake us so much as to think that by giving fair and specious attributes to our person they can cover the scandals which they otherwise lay upon our government, but conceive that we make no other construction of them but as fine and artificial glosses the better to give passage to the rest of their imputations and scandals.

Witness our self at Whitehall the four and twentieth day of December.

9.

To shew the terms upon which two people stand towards each other, there are few things more significant than the manner in which a request is *declined*. It appears that about this time Bacon desired a favour of the King, which he asked Buckingham to recommend, and that Buckingham wished to be excused. So much seems certain. What the favour was, or how or on what grounds it had been applied for, we are left to gather from the reply. But there can be no doubt, I think, that the favour desired was "the making of a Baron"; that is, the privilege of naming some one to be raised to that rank and receiving the consideration. It was an ordinary form of reward. Rich men would give large sums for peerages, and the King would occasionally transfer the benefit of the bargain to a servant whom he wished to oblige. There was a rumour about three years before (though I have not met with any

confirmation of it) that Bacon himself had received a gift of the kind,[1] and his present suit was doubtless of that nature. It was one which he would naturally make through Buckingham. In what terms he made it we do not know, for neither the letter nor any notice or rumour of the transaction has come down to us: but it may be inferred from the terms of the answer that he asked for it as the reward of service, and cited cases in which others—as namely the Earl of Pembroke, Lord Arundell, Lord Doncaster, and Secretary Winwood—had been rewarded in the same way. The letter which contains all we know about it is among the Fortescue Papers lately printed for the Camden Society (No. 99) and is a copy undated. It must however have been written *after* Sir William Cavendish was made a Viscount (3 November, 1620) and *before* the meeting of Parliament in the following January; and is worth reprinting here because it exhibits Buckingham in a character with relation to Bacon in which we have not seen him before.

My honourable Lord,

I know that to a man of so much nobleness nothing will be so acceptable as sincerity and plainness. And therefore before I move his Majesty in your suit, I will take the liberty of a friend to deliver unto you mine opinion of it. And to begin with that which is within the compass of mine own knowledge, the example you allege of Sir Will. Candish is no more but the prevention of that honour which no man knoweth how soon it may by his own right fall upon him, and only stretched a little higher at the suit of my Lord Chamberlain and my Lord Arundell. That to my Lord of Doncaster was at his Majesty's going into Scotland and upon a consideration whereby he was no gainer, being for buying of hangings to furnish the houses. If Secretary Winwood obtained a Baron it was (as I can assure your Lordship) the only gift his Majesty gave him in reward of long service, and in a time when it was not a matter of such difficulty to get as now it is; when to my knowledge his Majesty cannot endure to hear of making any for his own benefit, notwithstanding the great necessities wherein he is. What the custom hath been for rewarding Chancellors after the Parliament I never heard; but it seems by your letter the last claimed it not. Whatsoever the use hath been after the end of the Parliament, I assure myself your Lordship will hold it very unreasonable to be done before, and likely to do more hurt than good to his Majesty's service (whereof his Majesty hath found no man more careful than your Lordship) if while he is asking with one hand he should be giving with the other.

[1] "The speech goes that he shall be made a Baron, *and hath the making of another given him, to discharge his debts*: which in courtesy he hath offered to his eldest brother for 1000*l.* less than another would give: which he will not accept; mindful perhaps of his father's motto or posy, *mediocria firma*." Chamberlain to Carleton, 10 January, 1617–8. S. P. vol. xcv. no. 11.

Having thus freely delivered to your Lordship my opinion, I now leave it to your self whether I shall move his Majesty in your suit or no: wherein I will be ready, so to carry myself as I shall be further directed by your Lordship, and as it becometh

Your Lordship's faithful
friend and servant
G. BUCKINGHAM.

As we hear no more of this matter, I presume that Bacon acquiesced in Buckingham's objections, and said no more about it.

The next letter, in favour of a suitor in Chancery, is in Buckingham's usual style, and subject to the same observations as the rest of that class. Two others belonging to this place;—being merely significations of the King's pleasure that grants be drawn up of the place of Attorney-General to Sir Thomas Coventry (9 January, 1620–1) and of Solicitor-General to Robert Heath (20 January)—it is enough to mention. And what relates to the meeting of Parliament will open a new chapter.

TO THE LORD CHANCELLOR.[2]

My honourable Lord,

I have been intreated to recommend unto your Lordship the distressed case of the Lady Martin, widow of Sir Richard Martin, deceased, who hath a cause to be heard before your Lordship in the Chancery, at your first sitting in the next term, between her and one Archer and others, upon an antient statute, due long since unto her husband; which cause (as I am informed) hath received three verdicts for her in the common law, a decree in the Exchequer Chamber, and a dismission before your Lordship: which I was the more willing to do, because I have seen a letter of his Majesty to the said Sir Richard Martin, acknowledging the good service that he did him in this kingdom, at the time of his Majesty's being in Scotland. And therefore I desire your Lordship, that you would give her a full and fair hearing of her cause, and a speedy dispatch thereof, her poverty being such that having nothing to live on but her husband's debts, if her suit long depend, she shall be inforced to lose her cause for want of means to follow it: wherein I will acknowledge your Lordship's favour, and rest

Your Lordship's faithful friend and servant,
G. BUCKINGHAM.

Whitehall, the 13th of January, 1620.

[1] Fortescue Papers. Docketed, "Coppie to my L. Chanc. from my Lord. His suite."

[2] Harl. MSS. 7000, f. 43. Original. Docketed by Meautys, "13 Jan. 1620. The Lo. Marq[s] Buck to yor Lp. in the behalf of the La. Martyn."

CHAPTER V.

A.D. 1620–1. JANUARY–MARCH. ÆTAT. 60.

1.

It was unlucky for the special business of this Parliament, which was to provide the Government with the means of sending an army to recover the Palatinate, that it coincided with a great scarcity of money and general apprehension of poverty. It could not have been national poverty, because it was caused by the low price of commodities, and the low price was caused by the abundance of them. But though a country must always be richer for plenty upon the whole, it may be poorer in parts. The course of the markets being disturbed, what was bought dear has to be sold cheap, and the compensating advantages do not show themselves at once or do not find their way into the same pockets which the low prices have left empty. The 'farmer that hanged himself on the expectation of plenty,' was one of many whom a low price of corn would have made poorer for a time.

"But the difficulty will be," says Chamberlain, writing on the 10th of February, "how and where these supplies should be raised: for it is most certain that England was never generally so poor since I was born as it is at this present; inasmuch as all complain they cannot receive their rents. Yet is there plenty of all things but money; which is so scant that country people offer corn, cattle, and whatsoever they have else, in lieu of rent, but bring no money: and corn is at so easy rates as I never knew it at, 20 and 22 pence a bushel: barley at 9d.; and yet no quantity will be taken at that price: so that for all the common opinion of the wealth of England, I fear when it comes to the trial, it will appear as some merchants, which, having carried a great shew a long time, when they are called on too fast by their creditors, are fain to play bankrupt. But the strangeness of it is how this great defect should come and be perceived but within these two or three years at most. Divers reasons are devised,

as some say the money is gone northward, some eastward, and I know not whither, etc."[1]

Whatever the cause, one of the consequences was clear enough. It was not a time when a House of Commons—as houses of commons were in the early part of the 17th century—would like to vote many subsidies. Though the people were impatient for war, and much discontented with the Government for maintaining a neutral attitude so long, there is no reason to suppose that any of them had yet considered what the war they wanted would cost. The fighting men of the country (except the young nobility) had shown no alacrity in following Sir Horace Vere to help in defending the Palatinate the last summer; and it remained to be seen how much alacrity the taxpayers would shew in supplying what was needful for an army strong enough to recover it in the coming spring,—or their representatives (who belonged chiefly to the class whom the scarcity of money touched) in exacting it from them.

For the orators and the pamphleteers it was not necessary to know more about the work than that they wished it done. But for the Government it was necessary before they entered upon it to consider *how* it was to be done, and how much money it would require. Among the manuscripts at Lambeth there is a paper which certainly belongs to this period, and appears to be the opinion of some councillor upon this question.[2] Though not among the Bacon papers, it is the first of three "discourses," the second of which is that "Short view to be taken of Great Britain and Spain," which is printed in the second chapter of this volume, and otherwise known to be Bacon's composition: and I took a copy of it long ago, thinking that it also might turn out to be his. Upon that point, however, I have not yet met with any conclusive evidence either way. So far as I can judge, such a paper *might* have been written by him; though I am not prepared to say that it could have been written by him only—which is in most cases a good reason for inferring that it was written by somebody else. But whoever wrote it, it contains in the shortest compass the best statement I have seen of the problem with which the Government had to deal, and with which Bacon's mind must have been much occupied at this time.

[1] S. P. vol. cxix. no. 90.

[2] Lambeth MSS. no. 494, f. 400.

"For the freeing of the Palatinate by arms are three ways propounded to His Majesty.

By a conquering army,
a diverting army, or
an army of assistance.

Whereof these are the heads that follow.

"*For a Conquering Army.*

"We are to understand that there are to be considered,

"1. That the distance between England and the Palatinate is great.

"2. That we are to march through divers countries, and some of them of ill disposition, and over many grounds and rivers of dangerous and difficult passage.

"3. That all new armies are much subject to decay, and the English more than any; being by experience held a tender nation of body when they first enter the field, and the least careful of themselves.

"4. That by reason of the distance and other difficulties going with it, charge and danger of reinforcing the army will be always excessive.

"These things considered, my opinion is that the army ought to be great, and so furnished, as it may be able not only to carry through itself with provision of our own, but to force provision from the enemy, and (if need be) to besiege any town in the way (as Colen, Coblentz, or such from whence Spinola hath had and therefore may have relief); which may help to bear a great part of the charge of the war.

"For the composing of this army, the number cannot consist of less than 25,000 foot and 5,000 horse, with so many men over allowed in the levy as may promise to bring that main proportion of number whole and undecayed into the Palatinate. With these forces there will be required about 20 pieces of ordnance; that is to say, 7 cannons, 7 demicannons, and 6 field-pieces, and an extraordinary provision of victual, grinding-mills, bridges, boats, and carriages, for these munitions, their officers, and other instruments of war, such as shall be needfully and fully set down for a passage and an undertaking of this nature.

"And lastly, if this may be resolved on (the season of their arriving there being not omitted) the army ought to be employed as soon as it can be while it is fresh and able, because it will be so subject to decay (as I said before) and so hard to be enforced.

"*For a Diverting Army.*

"His Majesty hath advantageous ways to fall into Flanders by the channel of Sluice, about four or five miles into the land up to Damme, with a sufficient fleet (as the English heretofore have done), where they shall find

the country open before them for spoil, and principally for taking in of all the towns upon the coasts, as Ostend, Newport, Dunkirk, and Graveling, and other places to fortify upon.

"For this war, an army of 17,000 foot and 3,000 horse will serve. The invasion will be easy and speedy, and for reinforcement a means always at hand. So as this way may be taken [with] less charge, more assurance, more advantage of time, which are all of them points of great weight and consequence, especially in a war.

"But it will be objected that this cannot be set on foot without breaking peace with Spain. It is true it cannot be, and the confidence they had in his Majesty that he would not break with Spain was the encouragement without which I think Spinola would never have set upon the Palatinate.

"So that if we be driven from resolving upon the first war propounded here by the difficulty of it, and from the second by this caution, there remains then a third war, which is,

"*For an Army of Assistance.*

"An assistance of 10,000 foot and 2,000 horse, joined with the States, as it is a cheaper and speedier expedition, so it is like to prove a more prevailing way than a greater number without joining with them, considering that it is an old army that is to be undertaken and under the States' commission, and assistance from his Majesty can no more break peace with Spain, than the Spanish force serving under the commission of the Emperor can be accounted to have made a breach with his Majesty.

"For the command of these forces, the [choice of the] chief ought to be careful: wherein the dignity (if there be art in the person) is not the chief quality required; for no man is born a soldier: and where the private soldier is good, if the chief be not so, the army is ill. We may observe in the wars we have now relation unto, those of Bohemia and the Palatinate, that none becomes the greater soldier for being the greater prince. A king when it pleaseth his majesty may make a soldier a nobleman, but not a nobleman a soldier without long time of practice. It is the full experience of the man, together with his natural sufficiency, that does it.

"Of all enterprises, a war (when we resolve upon it) ought to be undertaken in earnest: which no man can do who takes not care what chief he makes: and it concerns his Majesty now principally as well by reason of the seriousness and weight of the cause as in regard of his Majesty's gracious disposition to peace, which is the true effect that a right war seeks, and the work that nothing by any means of man can so assuredly command and maintain as an army. A testimony whereof the world beholds in the United Provinces, whose perfection in armies brings their enemies home to their doors to desire a peace. From hence I conclude with this opinion, that his Majesty may be pleased to believe that

that for the continuance of peace, which he so sincerely and justly loves, it will be safe and necessary to provide and prepare really for a war."

There follows a list of "Heads to be advised upon by the Council of War." They are seventeen in number, and include questions upon all the points of detail that could be thought of; the last being, "what treasure will be required for the charge of the enterprise." Against which list there is set down a note of calculations, meant apparently for an answer to this last question; the sum of which is, that the raising of 25,000 foot and 5,000 horse would cost 102,000*l.*, the transportation of them 10,000*l.* more, and the monthly pay, about 40,000*l.* But whether this formed part of the original paper or not is doubtful, and we are in possession of a more authentic answer to the question.

For though the author of this advice does not appear to have been in favour of the "conquering army" (as doubting whether the supplies which would be required for keeping it in a state of efficiency could be depended upon), it was the course chosen. On the 13th of January 1620–1 "his Majesty, having resolved to make some royal preparations for the recovery and protection of the Palatinate, being the ancient inheritance of his Majesty's son-in-law and grandchildren, did in his high wisdom think meet to appoint some persons of knowledge and experience in the wars, to consider and advise on such propositions as should be made them from the Board for the better expediting that service."[1] The commissioners were to prosecute their consultations without intermission or delay, and report in writing under five of their hands, first, what number of men, horse, etc., would be sufficient; secondly, by what time they must be in readiness, and how provided. On the 11th of February they reported to the Council that the total charge of raising and setting forth an army of 25,000 foot, 5,000 horse, 20 pieces of artillery, etc. would rise to 258,370*l.*; and the expenses of transport, ammunition, wages, and provisions, to 76,064*l.* 17*s.* 8*d.* monthly.[2]

Now the largest sum collected in any one year by Parliamentary grant since the beginning of the century had been 188,883*l.*[3] That was in the last year of Elizabeth. The largest collected during the present reign had been 145,762*l.* And now it appeared that if the Palatinate was to be recovered by a conquering army, it would be

[1] S. P. vol. cxix. no. 21–23.
[2] S. P. vol. cxix. no. 94, f. 14.
[3] Gardiner's 'History of England', 1603–1616, vol. ii. Appendix, p. 414. I include the subsidies of clergy because they could always be reckoned on as going with the others.

necessary to provide during this year not less than a million. It is true that the people had had a long rest from Parliamentary taxation; and that if during the last ten years every man had laid by annually a sum equal to his share of a single subsidy with its two fifteenths they would have had no difficulty in meeting the demand.[1] But no man is better disposed to pay a tax because he has not been used to it; hardly any man is better able. What the tax-collector does not call for, men treat as their own, and learn to want it for themselves. The people were eager for the restoration of the Palatinate to the King's son-in-law and grandchildren. True: but were they prepared to pay a million for it out of their own pockets within the next twelve months? This was the question to be tried; and it was probably judicious in the Government to announce their choice of the most difficult and most effectual of the three courses from which they had to choose: because if the zeal of the Commons fell short of what was wanted for the first, the second or the third would still be open: whereas if the Commons should prove to be earnest enough in pursuit of this one object to forget or suspend their other differences with the Crown till it were accomplished, the improved relation between the two would so raise the credit of the Government in the money-market, that what was wanted for the first might probably be obtainable: for if sufficient security could be offered, the money would no doubt be forthcoming; and it was but fair that the future should share the burden of defending its own inheritance. But the experiment was a very doubtful one at best: and Bacon was not destined to preside at the Council-board long enough to assist in the guidance of it—which might possibly have made a difference.

2.

For the present, however, his personal fortunes were at their highest, and never seemed more secure. During the last two years he had been rapidly gaining upon the opinion both of the King and Buckingham, his counsels were better listened to than they had ever been before, and as the case became more difficult their value seemed likely to be better understood. One or two complaints against him from aggrieved suitors had been referred to the rest of the Council-board for examination, and left no blemish upon his name. He had been building by the fish-ponds at Gorhambury a retiring-place for study and recreation — "the most

[1] Sir Julius Cæsar stated in the House of Commons in February 1620-1, that one subsidy came to about 82,000*l* and one fifteenth to 29,000*l*. See *Proceedings and Debates*, vol. i. p. 49.

ingeniosely contrived little pile," says Aubrey, "that ever I saw;"[1] in the design, arrangement, and decoration of which he had freely indulged all his tastes; as looking forward to the time when, having seen the King out of debt and in harmony with his Parliament, he should be free to exchange the active for the contemplative life, and devote his remaining years to the prosecution and exposition of his philosophy. Ben Jonson celebrated his birthday in lines breathing of nothing but reverence and honour. And the King, to show the value he set upon his services, raised him a step higher in the peerage. On the morning of the 7th of January, Camden and Norroy King-at-Arms had been sent for to consult about the arrangements for his investiture with the title of Viscount St. Alban, which was to be presently bestowed upon him with all the solemnities.[2] In the mean time the right to use it had not to wait for the ceremony of investiture; for in a letter to the King of Denmark, dated the 13th, and not otherwise of importance, I find it subscribed.

SERENISSIMO AC POTENTISSIMO REGI AC DOMINO, DOMINO CHRISTIANO QUARTO, DEI GRATIA DANIÆ, NORVEGIÆ VANDALORUM, GOTHORUMQUE, ETC. REGI, DOMINO SUO CLEMENTISSIMO.[3]

Serenissime Rex,

Cum Dominus Amstrudder affinis meus ac servitio Majestatis Vestræ apprime deditus, iterum ad Majestatem Suam proficiscatur, non potui officio meo deesse quin observantiam meam perpetuam erga Majestatem Suam literis testarer, quam non tantum calamo, sed opere et merito, prout dabitur occasio et facultas, præstare paratus sum. Dignabitur igitur Majestas Sua voluntatem pro facto accipere, meque inter fidos et propensos Majestatis Suæ servos reponere. Cujus manus humillime exosculor, eique omnia prospera comprecor.

Majestatis Vestræ omni observantia
et devotione servus addictissimus
FR. St. ALBAN, Can.

Ex Ædibus Eboracencibus
Janu. 13, 1620.

3.

On the 16th of January, the meeting of Parliament was prorogued to the 30th, probably to give time for the deliberations of the

[1] Lives vol. ii. part 1, p. 229. [2] Camden. *Annal. Apparatus.*
[3] 'Archæologia' vol. xli.

Council of War; and Bacon in the interval sent to the King through Buckingham, what I suppose to have been some memorial (like that which he submitted to him in 1614) of the communication to be made to the two houses on their assembling. We know that when in 1615, he wanted him to try another Parliament, he advised him to confine his own opening speech to a declaration of the causes which had moved him to assemble them, together with "some princely and reserved description of the affairs of Christendom at the time"; leaving the Lord Chancellor to deliver any admonitions that might be required as to the government of their own proceedings.[1] The case being now almost exactly the same, he would probably give the same advice: and we have evidence (which will be seen presently) that he did at one time expect that it would be so arranged:—that the King was to declare the causes for which they were called together, leaving it to him to say whatever might be expedient about their proper functions and duty. It was to this arrangement, I imagine, that the paper referred to in the next letter as "the enclosed" had reference. It may have been a suggestion of what the King should say, or an account of what he proposed to say himself, or both. But I have not found any traces either of it or of the letter which accompanied it; and all that we can safely conclude about it is that the arrangement which it proposed or assumed did not exactly suit the King. He meant in his own speech to deal with *both* points,—the functions of Parliament generally, as well as the special business of this.

To the Lord Chancellor.[2]

I have acquainted his Majesty with your letter and the enclosed; who commanded me to return yor Lp. this answer, That the matter which his Majesty hath been thinking upon for his speech concerneth both the points, of the institution of a Parliament, and of the end for which this is called; yet his Majesty thinketh it fit that some extract may be made out of it, which needeth to be but very short, as his Ma^ty^ will more fully shew you at his coming back to London, and so I rest

Your Lp's. most faithful friend and servant,

G. Buckingham.

Theobalds, 19th of Jan. 1619.

"On Saturday" says Chamberlain, writing on the 3rd of February, "the Lord Chancellor was created Viscount St. Alban's, with all the

[1] See Vol. V. p. 190.

[2] Harl. MSS. 7006, f. 51. Original. Docketed: "19 January, 1620. My Lo. Marq. to yor Lp. touching the heads of his Ma. speech in Parliament."

ceremonies of robes and coronet, whereas the rest were only done by patent." And if the only thing to be set off against the favour was a difficulty the King found occasionally in understanding the *Novum Organum*[1]—and it is all we hear of—we need not suspect of insincerity the letter in which he expressed his grateful sense of obligation.

TO THE KING.[2]

May it please your Majesty,

I thank God that I number my days both in thankfulness to him, and in warning to myself. I should likewise number your Majesty's benefits, which as (to take them in all kinds) they are without number; so even in this kind of steps and degrees of advancement, they are in greater number than scarcely any other of your subjects can say. For this is now the eighth time, that your Majesty hath raised me.

You found me of the Learned Counsel, Extraordinary, without patent or fee; a kind of *individuum vagum*. You established me, and brought me into Ordinary. Soon after, you placed me Solicitor, where I served seven years. Then your Majesty made me your Attorney or Procurator General. Then Privy Counsellor, while I was Attorney; a kind of miracle of your favour, that had not been in many ages. Thence Keeper of your Seal; and because that was a kind of planet and not fixed, Chancellor. And when your Majesty could raise me no higher, it was your grace to illustrate me with beams of honour; first making me Baron Verulam, and now Viscount St. Alban. So this is the eighth rise or reach, a diapason in music, even a good number and accord for a close. And so I may without superstition be buried in St. Alban's habit or vestment.

Besides the number, the obligation is increased by three notes or marks. First, that they proceed from such a King; for honours from some Kings are but great chances, or counters set

[1] "And yet for all these special favours the King cannot forbear sometimes in reading his last book to say that it is like the peace of God, that passeth all understanding." S.P. Vol. 119, no. 64.

[2] Gibson Papers, vol. viii. p. 225. Draught in Meautys's hand. No date nor signature nor indorsement nor fly-leaf. Written perhaps on a half-sheet; for the last words are written closer to get them into the page. Camden's note of the investiture (27 January, 1621) would seem to imply that he delivered the substance of this letter in a speech at the time of the ceremony. *Ille gratias Regi egit septemplices; quod ipsum primo Sollicitatorem. 2 Attornatum. 3 Consiliarium privatum. 4 Custodem sigilli. 5 Cancellarium. 6 Baronem Verulamii. 7 Vicecomitem Sti. Albani.*

high; but from your Majesty they are indeed dignities, by the co-operation of your grace. Secondly, in respect of the continuance of your Majesty's favour, which proceedeth as the divine favour from grace to grace. And, Thirdly, these splendours of honour are like your freest patents, *absque aliquo inde reddendo*. Offices have burdens of cares and labour; but honours have no burden but thankfulness, which doth rather raise men's spirits then *accable* them or press them down.

Then I must say, *quid retribuam?* I have nothing of mine own. That that God hath given me I shall offer and present unto your Majesty, which is care, and diligence, and assiduous endeavour, and that which is the chief, *cor unum et viam unam*, hoping that your Majesty will do, as your superior doth; that is, that finding my heart upright, you will bear with my other imperfections. And lastly, your Majesty shall have the best of my time, which I assure myself shall conclude in your favour, and survive in your remembrance.[1] And that is my prayer for myself. The rest shall be in prayers for your Majesty.

On the 30th the Houses met, and the King made his speech; one of his best speeches, and not the worse in my opinion because he reserved the weightiest matter for the last place,—the best way (generally speaking) to make it impressive.

He began by reminding them of the reciprocal obligations of King and Parliament. They were called for advice. It was the King's business to make laws; theirs "to advise him to make such as were good for the commonwealth." "The Commons best knew the particular estate of the country; and if the King asked their advice could best tell him what was amiss; or else petition him to amend and redress it." It was also their duty to "offer what they thought fit to supply his wants;" while it was his duty "in lieu thereof to afford them justice and mercy."

He then proceeded to explain why they were called together now. It was not to make new laws against the Catholics: those they had already were severe enough. In dealing with matters of conscience, persuasion was fitter than compulsion; and they need not fear any danger to Protestantism from the marriage-treaty with

[1] This sentence had been originally written thus: "which is a joyful heart, a studious thought, an incessant endeavour, and the best of my time, which I hope shall conclude with your favour and service in your remembrance." These words were then crossed out and the conclusion in the text substituted.

Spain. "He would do nothing therein which should not be honourable and for the good of religion; and if anything broke off the match it should be the cause of religion." [1]

He had called them for help in two main causes, his own want of money, and the distracted state of Christendom.

The supplies granted to the late Queen during her later years "grew to an annual contribution which by computation came to 135,000*l.* a year;" whereas during the 18 years he had reigned he had not had more than four subsidies and six fifteenths.[2] And it was now ten years since he had troubled them for any. And though it might once be said that it was useless to supply him with treasure because it was so ill kept, it was not so now. During the last two years he had been labouring to reduce his expenditure and had succeeded in making considerable abatements. "In his household expenses he had abated 100,000*l.* per annum; in his Navy expenses 28,000*l.* per annum; and hoped shortly to abate 10,000*l.* more. In his ordinary he had brought his expenses from 34,000*l.* to 14,000*l.*"[3]

For the distraction of Christendom, he was not responsible. When the quarrel between the States of Bohemia and the Emperor began, he had been requested by both sides to make an agreement between them, and the embassy which he had sent for that purpose had cost him 30,000*l.* But in the mean time the States had cast off all allegiance, and chosen his son-in-law; who, though he sent to him to know whether he should take the crown or no, did not wait for his answer; but within three days took it on his head. After which, he had abstained hitherto from all interference: partly because he had always held it wrong to depose Princes on account of religion; partly because he was not well enough acquainted with Bohemian law to judge between the parties; partly because he had undertaken the office of a mediator. But now the Palatinate, which was the inheritance of his grandchild, was invaded, and he was determined to recover it. He hoped to do so by peaceful negotiation; but he could negotiate with greater advantage if he were known to be prepared for war. And if negotiation failed, he was prepared to spend his crown, his blood, and his son's blood also in this quarrel. But in this nothing could be done without a speedy supply. *Bis dat qui cito dat.* He hoped they would not fail him now more than they had done his predecessors, but let it be seen that the King and his people were of one mind. He was ready to

[1] S.P. vol. cxix. no. 47.

[2] About 502,000*l.* in all; giving an average of about 28,000*l.* annually.

[3] So the figures are given in *Proceedings and Debates*. But they are given very differently in different reports, and cannot at all be relied upon.

hear and redress all complaints; and whatever was amiss, "if truly informed, he would rightly reform." He had called them of his own free motion, and his trust was in their good offices for the good of his estate.

At the opening of Parliament it was usual when the King's speech ended for the Lord Chancellor to make some observations. Bacon seems to have prepared his, or some part of them, before he knew what the King intended to say: and there was found among his papers the rough draught of the beginning of a speech evidently intended for this occasion. What we have of it is plainly a fragment, and whether it be that the rest was lost, or that he had proceeded only so far when he received the King's message on the 19th, and thereupon laid it by, must be left to conjecture. But it is an undoubted composition of his, and belongs to this place.

[BEGINNING OF A SPEECH INTENDED TO BE SPOKEN AFTER THE KING'S SPEECH TO THE TWO HOUSES.][1]

My Lords and Masters,

You have heard the King speak, and it makes me call to mind what Solomon saith, who was also a king: *The words of the wise are as nails and pins driven in and fastened by the masters of assemblies.* The King is the master of this assembly, and though his words in regard of the sweetness of them do not prick, yet in regard of the weight and wisdom of them, I know they pierce through and through; that is, both into your memories and into your affections. And there I leave them.

As the King himself hath declared unto you the causes of the convoking of this Parliament, so he hath commanded me to set before you the true institution and use of a Parliament, that thereby you may take your aim, and govern yourselves the better in Parliament matters: for then are all things in best state, when they are preserved in their primitive institution; for otherwise ye know the principle of philosophy to be, that *the corruption or degeneration of the best things is the worst.*

The kings of this realm have used to summon their Parliaments or estates for three ends or purposes; for Advice, for Assent, and for Aid.

For Advice, it is (no doubt) great surety for kings to take

[1] Gibson Papers, vol. viii. f. 239. Draught in Meautys's hand. Docketed "First Speech."

advice and information from their Parliament. It is an advice that proceedeth out of experience; it is not speculative, or abstract. It is a well-tried advice, and that passeth many reviews, and hath Argus eyes. It is an advice that commonly is free from private and particular ends, which is the bane of counsel; for although some particular members of Parliament may have their private ends, yet one man sets another upright; so that the resultate of their counsels is for the most part direct and sincere.

But this advice is to be given with distinction. In things which lie properly in the notice of the subjects they are to tender and offer their advice by bill or petition, as the case requires. But in those things that are *Arcana Imperii*, and reserved points of sovereignty, as making of war or peace, and the like,[1] there they are to apply their advice to that which shall be communicated unto them by the King, without pressing further within the veil, or reaching forth to the forbidden fruit of knowledge. In these things the rule holds, *tantum permissum quantum commissum.*

Here the manuscript ends, leaving the two remaining heads of "Assent" and "Aid" untouched. Some part of what he would have gone on to say was probably transferred to the speech in which he replied to the new Speaker's oration, which will be found a few pages further on. But for the present he contented himself with the following observations:—

CANCELLARIUS.[2]

May it please your Majesty,

I am strucken with admiration in the respect of your profound discourses: with reverence to your precepts, and contentment in a number of gracious passages which have fallen from your Majesty in your speech.

It is the saying of Solomon, somewhat dark but apt: *The words of the wise are like nails and pins fastened by the master of the building in the midst of assemblies:* So, in regard of the

[1] This clause originally stood thus: "*as the marriage of the King's children*, as making of war or peace; *choice and trust of counsellors or officers*, and the like." A line is drawn through the words which I have printed in italic.

[2] S. P. Dom. vol. cxix. no. 48. A collector's copy. Collated with *Proceedings and Debates.*

wisdom and the reverence of your Majesty's words, they are like nails that strike thorough and thorough, sink into the memory, and next into the hearts of the hearers; which is the best way to imprint them in their minds.

For myself I hold it as great commendation in a Chancellor to be silent when such a King is by, who can so well deliver the oracles of his own mind, as for me to speak.

Only, Sir, give me leave to give my advice to the Higher and Lower Houses briefly in two words, *Nosce teipsum*. I would have the Parliament know itself, first in a modest carriage to so gracious a Sovereign, and secondly in valuing themselves thus far, as to know now it is in them by their cheerful dealing to procure infinite good to themselves in substance and reputation at home and abroad. As there is great expectation in the beginning of this Parliament, so I pray God it may be as good in the conclusion: that it may be generative, begetting others hereafter. And now I am to put you in mind of your laudable custom, to elect one to be your common mouth or speaker. The King for his presentation gives till Saturday next, the 3 of February, 1620.

On the 3rd of February, Serjeant Richardson, on whom the choice of the Commons fell, made his speech according to the usual form, pleading his unfitness for the office. To which Bacon made the following reply:—

His Lordship's Speech in the Parliament, being Lord Chancellor, to the Speaker's Excuse.[1]

Mr. Serjeant Richardson,

The King hath heard and observed your grave and decent speech, tending to the excuse and disablement of yourself for the place of Speaker. In answer whereof, his Majesty hath commanded me to say to you that he doth in no sort admit the same.

First, because if the party's own judgment should be admitted in case of elections touching himself, it would follow that the most confident and overweening persons would be received; and the most considerate men and those that understand themselves best would be rejected.

[1] 'Resuscitatio,' p. 94.

Secondly, his Majesty doth so much rely upon the wisdoms and discretions of those of the House of Commons that have chosen you with an unanimous consent, that his Majesty thinks not good to swerve from their opinion in that wherein themselves are principally interessed.

Thirdly, you have disabled yourself in so good and decent a fashion, as the manner of your speech hath destroyed the matter of it.

And therefore the King doth allow of the election, and admits you for Speaker.

Being thus elected Speaker, Serjeant Richardson proceeded to make his "oration"; to which again Bacon replied.

SPEECH TO THE SPEAKER'S ORATION.

Mr. Speaker,

The King hath heard and observed your eloquent discourse, containing much good matter and much good will: wherein you must expect from me such an answer only as is pertinent to the occasion, and compassed by due respect of time.

I may divide that which you have said into four parts.

The first was a commendation or laudative of monarchy.

The second was indeed a large field, containing a thankful acknowledgment of his Majesty's benefits, attributes, and acts of government.

The third was some passages touching the institution and use of Parliaments.

The fourth and last was certain petitions to his Majesty on behalf of the House and yourself.

For your commendation of monarchy, and preferring it before other estates, it needs no answer. The schools may dispute it; but time hath tried it, and we find it to be the best. Other states have curious frames soon put out of order: and they that are made fit to last, are not commonly fit to grow or spread. And contrariwise those that are made fit to spread and enlarge, are not fit to continue and endure. But monarchy is like a work of nature, well composed both to grow and to continue. From this I pass.

For the second part of your speech, wherein you did with no less truth than affection acknowledge the great felicity which we

enjoy by his Majesty's reign and government; his Majesty hath commanded me to say unto you, that praises and thanksgivings he knoweth to be the true oblations of hearts and loving affections: but that which you offer him, he will join with you in offering it up to God, who is the author of all good; who knoweth also the uprightness of his heart; who he hopeth will continue and increase his blessings both upon himself and his posterity, and likewise upon his kingdoms and the generations of them.

But I for my part must say unto you, as the Grecian orator said long since in the like case: *Solus dignus harum rerum laudator Tempus;* Time is the only commender and encomiastique worthy of his Majesty and his government.

Why Time? For that in the revolution of so many years and ages as have passed over this kingdom, notwithstanding, many noble and excellent effects were never produced until his Majesty's days, but have been reserved as proper and peculiar unto them.

And because this is no part of a panegyric, but merely story, and that they be so many articles of honour fit to be recorded, I will only mention them; extracting part of them out of that you, Mr. Speaker, have said. They be in number eight.

First, His Majesty is the first (as you noted it well) that hath laid *lapis angularis*, the corner-stone, of these two mighty kingdoms of England and Scotland, and taken away the wall of separation: whereby his Majesty is become the monarch of the most puissant and militar nations of the world; and if one of the ancient wise men was not deceived, *Iron commands Gold.*

Secondly, The plantation and reduction to civility of Ireland (the second island of the ocean Atlantic) did by God's providence wait for his Majesty's times; being a work resembling indeed the works of the ancient heroes: no new piece of that kind in modern times.

Thirdly, This kingdom now first in his Majesty's times hath gotten a lot or portion in the New World, by the plantation of Virginia and the Summer Islands. And certainly it is with the kingdoms on earth as it is in the kingdom of heaven. Sometimes a grain of mustardseed proves a great tree. Who can tell?

Fourthly, His Majesty hath made that truth which was before

titulary, in that he hath verified the stile of Defender of the Faith: wherein his Majesty's pen hath been so happy, as though the deaf adder will not hear, yet he is charmed that he doth not hiss. I mean in the graver sort of those that have answered his Majesty's writings.

Fifthly, It is most certain, that since the Conquest ye cannot assign twenty years (which is the time that his Majesty's reign now draws fast upon) of inward and outward peace. Insomuch as the time of Queen Elizabeth, of happy memory, and always magnified for a peaceable reign, was nevertheless interrupted the first twenty years with a rebellion in England; and both first and last twenty years with rebellions in Ireland. And yet I know that his Majesty will make good both his words, as well that of *Nemo me lacesset impune*, as that other of *Beati pacifici*.

Sixthly, That true and primitive office of kings, which is, to sit in the gate and to judge the people, was never performed in like perfection by any of the King's progenitors: whereby his Majesty hath shewed himself to be *lex loquens*, and to sit upon the throne, not as a dumb statua, but as a speaking oracle.

Seventhly, For his Majesty's mercy (as you noted it well), shew me a time wherein a king of this realm hath reigned almost twenty years (as I said) in his white robes, without the blood of any Peer of this kingdom: the axe turned once or twice towards a Peer, but never struck.

Lastly, The flourishing of arts and sciences recreated by his Majesty's countenance and bounty, was never in that heighth; especially that art of arts, Divinity; for that we may truly to God's great glory confess, that since the primitive times there were never so many stars (for so the Scripture calleth them) in that firmament.

These things, Mr. Speaker, I have partly chosen out of your heap, and are so far from being vulgar, as they are in effect singular and proper to his Majesty and his times. So that I have made good, as I take it, my first assertion; that the only worthy commender of his Majesty is Time: which hath so set off his Majesty's merits by the shadows of comparison, as it passeth the lustre or commendation of words.

How then shall I conclude? Shall I say, *O fortunatos nimium sua si bona nórint?* No, for I see ye are happy in enjoying them, and happy again in knowing them. But I will

conclude this part with that saying, turned to the right hand: *Si gratum dixeris, omnia dixeris.* Your gratitude contains in a word all that I can say to you touching this Parliament.

Touching the third point of your speech, concerning Parliaments, I shall need to say little: for there was never that honour done to the institution of Parliament that his Majesty did it in his last speech; making it in effect the perfection of monarchy; for that although monarchy was the more ancient, and be independent, yet by the advice and assistance of Parliament it is the stronger and the surer built.

And therefore I shall say no more of this point; but as you (Mr. Speaker) did well note, that when the King sits in Parliament, and his Prelates, Peers, and Commons attend him, he is in the exaltation of his orb; so I wish things may be so carried, that he may be then in greatest serenity and benignity of aspect; shining upon his people both in glory and grace. Now you know well, that the shining of the sun fair upon the ground, whereby all things exhilarate and do fructify, is either hindered by clouds above or mists below; perhaps by brambles and briers that grow upon the ground itself. All which I hope at this time will be dispelled and removed.

I come now to the last part of your speech, concerning the petitions: but before I deliver his Majesty's answer respectively in particular, I am to speak to you some few words in general; wherein, in effect, I shall but glean, his Majesty having so excellently and fully expressed himself.

For that that can be spoken pertinently must be either touching the subject or matter of Parliament business; or of the manner and carriage of the same; or lastly of the time, and the husbanding and marshalling of time.

For the matters to be handled in Parliament, they are either of Church, State, Laws, or Grievances.

For the first two, concerning Church or State, ye have heard the King himself speak; and as the Scripture saith, *Who is he that in such things shall come after the king?* For the other two, I shall say somewhat, but very shortly.

For Laws, they are things proper for your own element; and therefore therein ye are rather to lead than to be led. Only it

is not amiss to put you in mind of two things: the one, that ye do not multiply or accumulate laws more than ye need. There is a wise and learned Civilian that applies the curse of the prophet, *Pluet super eos laqueos*, to multiplicity of laws: for they do but ensnare and entangle the people. I wish rather, that ye should either revive good laws that are fallen and discontinued, or provide against the slack execution of laws which are already in force, or meet with the subtile evasions from laws which time and craft hath undermined, than to make *novas creaturas legum*, laws upon a new mould.

The other point, touching Laws, is, that ye busy not yourselves too much in private bills, except it be in cases wherein the help and arm of ordinary justice is too short.

For Grievances, his Majesty hath with great grace and benignity opened himself. Nevertheless, the limitations, which may make up[1] your grievances, not to beat the air only but to sort to a desired effect, are principally two. The one (to use his Majesty's term), that ye do not hunt after grievances, such as may seem rather to be stirred here when ye are met, than to have sprung from the desires of the country: Ye are to represent the people: ye are not to personate them.

The other, that ye do not heap up grievances, as if numbers should make a shew where the weight is small; or as if all things amiss (like Plato's commonwealth) should be remedied at once. It is certain, that the best governments, yea and the best men, are like the best precious stones, wherein every flaw or icicle or grain are seen and noted more than in those that are generally foul and corrupted.

Therefore contain yourselves within that moderation as may appear to bend[2] rather to the effectual ease of the people, than to a discursive envy or scandal upon the state.

As for the manner of carriage of Parliament business, ye must know that ye deal with a King that hath been longer King than any of you have been Parliament men; and a King that is no less sensible of forms than of matter; and is as far from indureing diminution of majesty, as from regarding flattery or vain-glory; and a King that understandeth as well the pulse of the hearts of people as his own orb. And therefore, both let your

[1] So in Resuse. I think 'up' ought to be struck out.
[2] So in Resuse., a mistake, I think, for 'tend'.

grievances have a decent and reverent form and stile; and (to use the words of former Parliaments) let them be *tanquam gemitus columbæ*, without pique or harshness: and on the other side, in that ye do for the King, let it have a mark of unity, alacrity, and affection; which will be of this force, that whatsoever ye do in substance, will be doubled in reputation abroad, as in a crystal glass.

For the time, if ever Parliament was to be measured by the hour-glass, it is this; in regard of the instant occasion flying away irrecoverably. Therefore let your speeches in the House be the speeches of counsellors, and not of orators; let your committees tend to dispatch, not to dispute; and so marshal the times as the public business, especially the proper business, of the Parliament be put first, and private bills be put last, as time shall give leave, or within the spaces of the public.

For the four petitions, his Majesty is pleased to grant them all as liberally as the ancient and true custom of Parliament doth warrant, and with the cautions that have ever gone with them; that is to say, That the privilege be not used for defrauding of creditors and defeating of ordinary justice: that liberty of speech turn not into licence, but be joined with that gravity and discretion, as may taste of duty and love to your sovereign, reverence to your own assembly, and respect to the matters ye handle: that your accesses be at such fit times as may stand best with his Majesty's pleasure and occasions: that mistakings and misunderstandings be rather avoided and prevented (as much as may be) than salved or cleared.

4.

The King's speech was very well received by the Commons, who showed a manifest desire to keep on good terms with him. On the 5th of February, the very first day of the session, the case of the Palatinate having been explained to them, and a speedy supply recommended, the question was referred to a committee of the whole House: on the 16th a unanimous resolution for a grant of two subsidies was reported; and a bill for the purpose being presently drawn went smoothly through all its stages, and received the royal assent on the 22nd of March.

This vote was of great value, as far as it went. It showed unmis-

takably that the King and the Commons were friends for the present, and wished to continue so. But the announcement of the resolution had been accompanied with an intimation, which though intended to make the gift sweeter, might well suggest to those who had watched the course of former Parliaments some misgivings and alarms. In the debate of the 5th of February, Sir G. Calvert, now Secretary of State, had described the condition of the Palatinate, and stated how large a force would be required, but does not appear to have offered any estimate of the cost: for the report of the Council of War upon that point had not then been sent in. It was not till the 15th that the Committee of Supply heard how much money would be wanted. They were then told that the maintenance of such an army would require 500,000*l.* per annum at the least:[1] which was more than six subsidies would come to. In presence of this fact a vote of two subsidies required some explanation; and it was given by Coke in reporting from the Committee to the House. "There was given," he said, "a free gift of two subsidies: which were given none gainsaying, and freely: *not on any consideration or condition for or concerning the Palatinate.*"

Now, though this may have been meant only to excuse the smallness of the sum (about 164,000*l.*)—implying that they knew how insufficient it was for the recovery of the Palatinate, and only offered it as a provisional advance, while the means of raising an adequate supply were under consideration,—yet what it did really imply was, that upon the question of raising and supporting an army for the recovery of the Palatinate they made no *engagement* whatever.[2] And though there might be colour for delay in the fact that negotiations were still going on with hopes of a peaceful arrangement, it was forgotten that the advantage in a negotiation for peace of being known to be prepared for war—of "making peace with a sword in his hand," as the King put it—was thereby lost. A provisional vote of 164,000*l.* carried with it no security that a vote of three times the sum might be counted on when it was wanted. And since a Committee of Grievances had been appointed on the same day with the Committee for Supply, judicious advisers of the Emperor and the King of Spain would no doubt report that they might negotiate at

[1] *Proceedings and Debates*, p. 48.

[2] A private news-writer represents them to have added that "if his Majesty by treaty could not recover the Palatinate, they offered their life and goods for the recovery thereof by force." T. Murray to Carleton, 17 Feb. 1620. S. P. vol. cxix. no. 101. But though the words may have been used, it does not appear that any record was made of them, and therefore they could have no binding force.

leisure, without any fear of being interrupted by the sudden arrival in the Palatinate of a well-equipped army from England.

The gift was nevertheless received with grateful acknowledgments, as an earnest of the zealous and liberal co-operation which would be forthcoming when wanted: and the House in the meantime went on with its other business.

5.

One of their first proceedings must have given Bacon great satisfaction. One of his favourite measures was advanced a step. On the 15th of February, upon a report from Mr. Hackwill of what had been done (by direction from the King and the Lords of the Council, upon the "advice of the now Lord Chancellor, Lord Treasurer, and Lord Hubbard") in surveying the statutes; and how they had found "almost 600 fit to be repealed, as snaring"; seven principal lawyers, including Sir Edward Coke, were appointed "to join with Mr. Noy, Mr. H. Finch, and Mr. Hackwill," (the commissioners who had been set on work by the King), "to survey all the statutes, and to draw all the statutes concerning one matter into one plain and perfect law; and to consider which were fit to be repealed, which in force, and which fit to be continued."[1] This was in effect the very measure which Bacon himself brought in in 1614, as one of the bills of grace;[2] which, after the abrupt dissolution of that abortive Parliament, he urged the King to proceed with by commissioners:[3] and in which he reported two years after, that "a great deal of good pains" had been taken by himself and others, so that the work was "already advanced," and in a condition to be taken up by Parliament, and entrusted to commissioners to be named by the two Houses.[4] The present proceeding was merely the appointment of a Select Committee to report upon the subject; but it was the first step towards "the compiling and amendment of the laws of England," which in his political aspirations held, I think, the place of first importance.

They were busy at the same time with another matter which interested them much more, and which he, probably, (though the part assigned to him was gratifying as a proof of personal confidence) would have been better content to let alone. This was a petition to the King "for the better execution of the laws now in force against the Jesuits, Seminary Priests, and Popish Recusants;" with which the Lords were requested to acquaint the King, and obtain leave of

[1] C. J. p. 519.
[2] See Vol. V. p. 41.
[3] See Vol. V. p. 84.
[4] Vol. VI. p. 71.

access for the purpose of presenting it and hearing his answer. The King consented to receive it on Saturday, the 17th, and on Friday the two Houses met in conference to settle their form of proceeding: the result of which was that Bacon was chosen to speak for both: which he did: and on Monday reported to the Upper House what had passed.

"His Lordship's relation was brief (as he said): as well because most of all their Lordships were then present, and principally for that his Lordship knew, and willingly acknowledged, he was no way able in any degree to deliver it in such sort as his Majesty spake."[1]

This is all we find about it in the Lords' Journals. From those of the Commons we only learn that his report was repeated to them and delivered in writing at their request.[2] But one of Carleton's correspondents supplies the following brief account:—

"This day both the Houses conjunctly are to move his Majesty,

"1. That according to the statute, all Recusants may be commanded by Proclamation to retire from London ten miles during the Parliament.

"2. That through all England they may be confined within five miles about their houses.

"3. That they be not suffered to have any arms about their houses but for their personal defence.

"4. That none shall resort to ambassadors' houses for the hearing of masses.

"5. That no Jesuits or Priests which are in prison shall be licenced to go abroad, and that none shall resort to them, and that they shall be restrained from the saying of masses.

"This afternoon his Majesty is to declare his pleasure on these five points.

* * * * * *

"After I had ended, the two Houses did attend his Majesty. And for them both my Lord Chancellor was speaker to his Majesty. Leaving compliments, he did propone the five points or branches concerning religion contained in this letter, adding the desire that the sessments upon Recusants' lands might be duly made and executed.

"His Majesty did agree to all the points in substance. Only he did say that a Proclamation was unnecessary, the statutes of the Kingdom providing for the same. He did undertake by the advice of the Council to see the execution performed. He did also desire them to provide that Papists' children should be bred in our religion."[3]

6.

At the next conference between the two Houses Bacon's part was

[1] L. J. p. 22. [2] *Proceedings and Debates*, p. 68, 73.
[3] Thomas Murray to Carleton, 17 Feb. 1620–1. S. P. vol. cxix. no. 101.

not so fortunate. The Committee for Grievances had fallen upon the Monopolies; an action which had been clearly enough foreseen, and which Bacon himself had wished to avoid by taking away the most unpopular of them before Parliament met. The *manner* in which he would have had this done is fully explained in the letter of the 29th of November, 1620 (which is signed, it will be observed, by Coke as well as by himself, Montagu, Hobart, and Crew), the *end* being to get rid of them all: in some cases by anticipating the attack, and revoking the patents, as found by experience to be mischievous, before they were complained of; in others by waiting for the complaint and readily yielding to it; but not in any case to insist on upholding them against the current of opinion. And though the classified list which accompanied the letter has not been preserved, we happen to know that it included those two which drew the first fire, and did most to drive the Commons into a course and a temper fatal to harmonious co-operation in the business for which they had been called; and that, if his advice had been taken, those two Patents would have been already numbered among grievances past and redressed. It appears from his private letter to Buckingham of the same date (29 November, 1620) that both Montperson's Patent touching Inns, and Christopher Villiers's Patent touching Recognisances of Ale-houses, were among those set down as "likely to be stirred in by the Lower House of Parliament," and which it would be better for him "to take the thanks for ceasing than the note for maintaining." The King referred the question to the Council-table, where Bacon argued strongly for revoking Patents of that class by act of Council at once. But he was outvoted, and had to acquiesce in a resolution which he evidently thought unwise. Such Patents were to remain for the spirit of complaint to play upon and be appeased by their surrender. The King was to be represented as having been misled by his advisers, and quite ready to correct the error the moment he was informed of it. But the thanks for informing him were to go to the House and not to be anticipated by the Council. And it was true, no doubt, that in some cases a livelier gratitude may be excited by taking a burden off than could have been got by avoiding to lay it on. Bacon could not have forgotten a splendid and successful performance of that kind in the last years of Elizabeth. But neither could he have forgotten that both the times and the persons were changed. Elizabeth herself could not have acted that part with applause to the present audience, and would not have attempted it. But the experiment was to be tried, and the occasion was not long in coming.

As early as the 6th of February a debate on the causes of the scarcity of money, which the King had recommended for consideration, brought up a complaint of the Patent for Gold and Silver Thread. It was an old Patent, with a long history, which had passed through several hands, undergone many references and modifications, and though much complained of by rivals in the manufacture, had never stood high in the list of public grievances; but it was now in the hands of Sir Giles Monperson—a man whose proceedings in regard to another Patent which had no relation to it had caused great discontent; and I suppose it was felt to be the beginning of the war, and the time for the Government to take up its position. Sir Edward Sackville, who, though anything but a Puritan and no way unfriendly to the Government, appears to have stood high in the favour of the House, indicated that position at once, and very clearly.

"Sir Edward Sackville saith, that in all businesses of this nature and weight there is commonly a petition and other notes and collections delivered to his Majesty, pretending a good and benefit that by this suit will accrue both to his Majesty and to the Commonwealth; the consideration of which petition, and other collections concerning such businesses, his Majesty ever referreth to some certain referees, who examine it and certify to his Majesty the validity of it. He therefore desireth that those who were referees in this business and have certified his Majesty of the conveniency of it, and have thereby so much abused his Majesty and the Commonwealth, may be known, and that their reasons may be examined, to the end that they may receive the blame and shame of it."[1]

The debate for that day ended in a resolution "that those motions be referred to the former Committee of Grievances"; but we hear no more of this one for a good while: a much stronger case against Monperson having been brought out by the investigation. On the 19th of February the Patent for Inns was brought in question by Mr. Noye, as an instance of a Patent that was "in itself good and lawful, but abused by the Patentees in the execution, who perform not the trust reposed in them from his Majesty."[2] The same character was given of it by Coke in the same debate. "There are three sorts of patents. 1st directly against law: 2d good in law, but ill in execution: 3d neither good in law nor execution. . . . *Of the second kind are patents for Inns.*"[3] On the 20th the committee went into the case. There were three patentees, of whom Sir Giles Monperson was the principal; who being examined, stated that "there were two things that gave him encouragement to undertake

[1] Proceedings and Debates, p. 17. [2] Ib. p. 64. [3] Ib. p. 65.

this business: 1st the want of power in Justices of Peace to set up or pull down inns: 2. The course that was taken before the Patent was granted; it being referred first for matter of law to the Lord Chancellor that now is, then being the King's Attorney-General: to the Lord Chief Baron of the Exchequer: and Justice Nicolls; the second time, for matter of conveniency, to Suffolk, then Lord Treasurer of England, to Secretary Winwood, Secretary Lake, and Serjeant Finch." The next day Coke reported from the Committee that they found this Patent an exorbitant grievance both in itself and in the execution; and the same afternoon the Patent "for the forfeiture of the Recognizances for Ale-houses," in which Sir Francis Michell was implicated, came before them. This patent had been referred to the two Chief Justices (Montague and Hobart), Yelverton, and Coventry, or any two or more of them. "The Lord Hobart" (it was added) "did not certify on this reference; but the Lord Chief Justice Montague did; *but it was no more than the House thought good and honourable.*"[1] So the attack turned against the execution, and the person principally implicated in it—which was Sir Francis Michell, a lawyer and Justice of the Peace. With him they made very short work: and if the universal condemnation of a man without hearing what he has to say in his own behalf is to be accepted as conclusive evidence against him, his case was very bad. On the 22nd Coke reported it to the House, and on the 23rd, after reading a petition from him, moved "that he was unfit to be a Justice of Peace; and that he should be declared to be unworthy and disabled to be of that commission:—that he should make restitution to all of whom it could be proved that he had received anything for this business: that he should be sent to the Tower until he be put out of commission, and until he should make an humble submission here at the bar on his knee."[2] And (the House assuming thereupon the authority of a Court of Justice) it was ordered, upon the question, by a general voice,

"That he should be held unworthy to be a Justice of the Peace, and be declared disable and unworthy to be of that commission or any other whatsoever, To be sent at 2 of the Clock in the afternoon to the Tower through the street on foot."

After which the private Journal (for the Clerk of the House was ill all this time, and the usual notes were not taken) proceeds thus:—

"And so Michell was called to the Bar to hear his sentence on his knee. After sentence passed he desired to be heard, but it was denied.

'*Mr. Chancellor of the Duchy:* That he might be heard after judg-

[1] Proceedings and Debates, p. 77. [2] Ib. p. 84.

ment, so as it be an humble suit, or anything *not concerning the sentence given by the House.*'

'*Sir Edward Cooke:* That he ought not to be heard after judgment.'

"And so it was agreed by the vote of the whole House."[1]

Michell's petition, to which this was the answer, had been (if the note of it be correct) short, sharp, and defiant. Monperson, whose manner of executing his Patent for Inns and Hosteries had exposed him to the same kind of censure, took warning from the result, and tried whether in this new Court of Justice,—where anybody was counsel for the prosecution, and the "general voice" was the Judge, and the defendant heard nothing of the trial except the sentence, upon which he was not allowed to make any remark,—an attitude of humility would fare better: and the next morning there was read in the House

"The petition of Sir Giles Monperson. Wherein he confesseth that he hath erred in the execution of the Patent for Inns, both by his letters and otherwise to Justices of the Peace; and confesseth that so general a Patent cannot but be a great grievance to the subject; and prayeth the favourable construction of the House, to whose censure he willingly submitteth himself."

This petition was referred, I presume, to the Committee, whose report on the case was brought up by Coke on the 27th. On which occasion he laid down another rule for their proceeding as a Court of Justice which must have been rather alarming to all who might come within their jurisdiction.

"If any one accused for a grievance do justify it in this House of Parliament, it is an indignity to the House, and for this the House may send any one to the Tower."[2]

So at least the words are given in the private Journal. But I gather from the notes taken by the Clerk of the House (who had resumed his duties the day before) that it was meant not so much for a rule to guide their proceedings hereafter as for a doctrine invented to justify what they had done two or three days before. A doubt had been raised as to their right to pronounce judgment upon Michell and commit him to the Tower, for offences which were not against the House and had in fact been committed when there was no House in existence. Coke's reply (on the sudden) was in effect that he *had* committed an offence against the House then sitting. Being charged with that which they had voted a grievance, he had presented

[1] Proceedings and Debates, p. 85 [2] Ib. p. 103.

a petition in which he justified it. This was a punishable offence. A case in point had occurred when he was Speaker. A deputy purveyor was charged in that House with many grievances, done before Parliament: and it was resolved that if, being sent for, he should defend what he had done, "for his defence he was to be there punished." "Michell came in as a counsellor and justified it, and his petition was arrogant and presumptuous."[1] As it appeared by the question that the law of the case was not known to everybody, he added that he would "set this out at large and deliver it to be kept for a memorial in this House:" which may account for its being entered in the private Journal in a separate paragraph by itself, as a legal axiom. In order however to set it out in proper form he felt that "further advice" would be desirable; and it seems the House thought so too; for it was presently agreed on the motion of Sir Edwin Sandys that Noye and Hackwill should go that afternoon to the Tower and search the precedents there—"to show how far and for what offences the power of this House doth extend to punish delinquents against the State, as well as those who offend against this House";[2] and having first informed the Committee, should report to the House the next morning. The truth was, they had discovered that they did not know what the proper course of proceeding in such cases was; for their present course, now that it was brought out in full relief, could hardly approve itself on "further advice" even to Coke himself.

7.

Pending the search for precedents the debate turned again upon the point originally raised by Sir Edward Sackville—the examination of the Referees. "Here," said Sir Lionel Cranfield, now Master of the Wards, "is a projector and a patent: he had had no patent if the Referees had done their duty: to remember therefore the Referees and so to clear the honour of the King: to have the original petition, answer, and certificate reviewed." The House approved. Monperson was forthwith brought to the Bar and questioned as to the referees for the Patent of Inns. His answers were simple, direct, and unreserved. It had been referred for matter in law to the Lord Chancellor, the Lord Chief Baron, Justice Crooke, Justice Nicolls, and after his death to Justice Winch: and for the point of conveniency, to the Earl of Suffolk (then Lord Treasurer), Secretary Winwood, Secretary Lake, and Mr. Serjeant Finch. Having given

[1] Commons' Journals, p. 530. [2] Proceedings and Debates, p. 108.

them the information they wanted, he was dismissed with a direction from the Speaker to attend the pleasure of the House every forenoon: and so the business of that day ended.

But it left behind matter for serious consideration. They wanted to condemn the Patents without touching the King. The obvious way to do this was to throw all the blame upon his advisers. It was the old way; and in this case it was not unjust. Before he granted the Patents he had taken all the care he could to ascertain that they were both lawful and convenient. He had asked those who ought to have known best, and they had told him that they were. If they were not, the blame was not his, but theirs. So far, speaking for themselves as in a matter of opinion, there need be no difficulty. So much was of necessity implied in a petition for the revocation of the Patents as grievous and illegal: and if they should add to it the expression of a hope that he would call those advisers to account for thus misleading him, there would be no difficulty in that. But when it came to "questioning" and "examining" and "reporting" the Referees,—to putting them upon their trial, deciding upon their guilt or innocence, and awarding their "punishment,"[1]—the difficulty became considerable. For who were to be their Judges? They were a formidable body to attack, standing all together; and without denying that they were answerable for their advice, might decline to answer before this new tribunal, which had just announced that if they presumed to "justify" what they had done, they would be treated *ipso facto* as delinquents who might be sent to the Tower at once without more ceremony than a question put and a majority of yeas. A few days' leisure for reflexion made a considerable difference in the opinion of the more thoughtful members. On the 5th of March, Sir Dudley Digges, a principal member of the Committee, after remarking how gracious the King had shewn himself in all these things, and how great care he had taken, moved for

"A short bill to be drawn expressing in the preamble the King's great care against all things that might hurt the commonwealth.

"2ndly. A declaration against all projectors.

"3rdly. Against all Referees that shall hereafter mislead the King, that they may be branded to posterity."

[1] *Sir Francis Seymour:* To have a set day when these Referees may answer for themselves; and if they prove guilty, not to have their punishment spared. This . . . will clear those Referees which are innocent, and discover the residue."

"*Master of the Wards:* . . . moveth the Referees in this particular for Inns may now be examined." C. J. p. 530.

And the motion was supported by Sir John Walter, with some additions:

"To look forward, the best means to help us. A bill to be drawn as moved by Sir D. Digges. To have all the Patents called in and suppressed: none to be granted hereafter: and if they do, to be void. For hereafter, all procurers, advisers, or countenancers thereof, to incur *Præmunire*. To send to the Convocation House to draw a curse against all these: But not to look back to the Referees, whereby we may draw opposition and a crossing of the proceedings for hereafter."

Six members were named "to draw the Bill mentioned by Sir John Walter;" and though the *House* seems to have resolved that "the Referees as well as the projectors of the patents should be questioned by the Committee,"[1] it was clear that the *Committee* by this time knew better what they were doing.

For in the meantime Noye and Hackwill had returned from the Tower with their precedents, and disclosed to them the fact that they had no power whatever to deal judicially with persons accused of offences against the state—whether Projectors or Referees, or with any that were not offenders against their own house:[2] and had reported it as "the opinion of the Committee that they must join with the Lords for the punishing of Sir Giles Montperson; it being no offence against their particular House, or any member of it, but a general grievance;"[3] and that "a message should be sent to acquaint their Lordships that they had discovered matters and offences tending to the wrong of his Majesty in his justice, honour, and estate; to the disinheritance of his Majesty's subjects, and the corruption of the Commonwealth; and this by a man of quality; and therefore they thought fit to pray a conference with their Lordships."[4]

This was on the 28th of February; and the King, having received intelligence of it, wrote immediately to Bacon to warn him of what was coming, and direct him to consult with the Prince and the Lord Treasurer as to the way it should be met. This we learn from the following letter to the King; written not on the 8th of March, (as Birch dated it[5]—a date which would make it impossible to

[1] C. J. p. 539.

[2] "That Sir Edward Coke delivered, this House alone had no power to punish any but members thereof or dependents thereupon." C. J. 9 March, 1620-1, p. 546.

[3] Proceedings and Debates, p. 109. [4] Ib. p. 114.

[5] Birch looked in the right place for fixing the date. But he did not look carefully enough. On Thursday the 8th, it is true, the House of Lords was adjourned till Saturday. But so it was on Thursday the 1st. And it was on that day that the Archbishop made his motion. L. J. p. 32.

find a place for it in the story)—but on the 1st, which explains how it happened that the message recommended by the Committee (which had been immediately approved by the House, and the messenger appointed) was not received by the Lords till the 3rd.

TO THE KING.[1]

It may please your Majesty,

I received your Majesty's letter about midnight. And (because it was stronger than the ancient summons of the Exchequer, which is, *sicut teipsum et omnia tua diligis*; whereas this was *sicut me diligis*), I used all possible care to effect your Majesty's good will and pleasure.

I sent early to the Prince, and to my Lord Treasurer, and we attended his Highness, soon after seven of the clock, at Whitehall, to avoid further note.

We agreed that if the message came we would put the Lords into this way; That the answer should be that we understood they came prepared both with examinatiou and precedent; and we likewise desired to be alike prepared, that the conference mought be with more fruit.

I did further speak with my Lord of Canterbury, when I came to the House (not letting him know any part of the business), that he would go on with a motion, which he had told me of the day before, That the Lords' House mought not sit Wednesday and Friday, because they were convocation days,[2] and so was the former custom of Parliament.

As good luck was, the House read two bills, and had no other business at all. Whereupon my Lord of Canterbury made his motion, and I adjourned the House till Saturday. It was no sooner done, but came the message from the Lower House. But the *consummatum-est* was past, though I perceived a great willingness in many of the Lords to have recalled it, if it mought have been. So with my best prayers for your Majesty's preservation, I rest

Your Majesty's most bounden
and most devoted servant,
FR. ST. ALBAN, Canc.

Thursday at xi of our forenoon.

[1] Gibson's Papers, vol. viii. fo. 140. Copy. No fly-leaf. Indorsed "1620 March to his Matie."

[2] Moved by the Archbishop on Thursday, the 1st of March.

At the same time that the Commons resolved to send their message, they directed Sir Giles to remain with the Serjeant-at-arms, who was required to keep him carefully at his peril. But before Saturday came, Sir Giles (taking advantage of his keeper's good manners, who did not like to follow him into his wife's closet) escaped through the window. So the message had to be supplemented with a request for help in catching him. The Lords were quite conformable in all points: everything was at once done that could be thought of for the arrest of Sir Giles and the securing of his papers; they would be ready to meet them in conference on Monday; and being told that they could not be ready before Thursday, replied that Thursday would do as well.

The intervening days were spent in busy preparation,—examining witnesses, hearing counsel, debating points of law and order, considering how far the Referees should be meddled with, arranging the parts, and hearing from Coke an exposition of the judicial powers of Parliament—upon which he was now very learned. On Tuesday it was concluded that the parts should be thus distributed: Sir Dudley Digges to make the introduction; the Patent of Inns to be entrusted to Sir Thomas Crew, with Noye and Glanvyle to assist: the Patent of Gold and Silver Thread to Mr. Recorder (Heneage Finch), with Brooke and Mallett: the Patent of Concealments to Hackwill, with Pym and Cooke: Sir Edwin Sandys to follow with "a general aggravation, amplification or recollection:" while Sir Edward Coke was "to justify the proceedings by precedents, to lay open the remedy, and the way for the punishment, and to make the conclusion."[1]

On Wednesday, the 7th of March, Bacon—at whom the blow was really aimed—wrote to Buckingham.[2]

To the Marquis of Buckingham.[3]

My very good Lord,

With due thanks for your last visit. This day is a play-day with me.[4] But I will wait on your Lordship, if it be necessary.

[1] Proceedings and Debates, vol. i. p. 124.

[2] It appears by Stephens's catalogue that he had also written on the 5th. For a letter is entered there, as dated 5 March, 1620, beginning "I hear of somewhat," and the subject "touching a cause in Parliament about Gold and Silver Thread."

[3] Gibson Papers, vol. viii. f. 139. Copy. No fly-leaf. Indorsed "March 7, 1620. To Mar. Buckingham."

[4] Being Wednesday, when the Lords did not sit.

I do hear from divers of judgment, that to-morrow's conference is like to pass in a calm, as to the referees. Sir Lionel Cranfield, who hath been formerly the trumpet, said yesterday, that he did now incline to Sir John Walter's opinion and motion not to have the referees meddled with, otherwise than to discount it from the King; and so not to look back, but to the future. And I do hear almost all men of judgment in the House wish now that way. I woo no body: I do but listen, and I have doubt only of Sir Edward Coke, who I wish had some round *caveat* given him from the King; for your Lordship hath no great power with him: but I think a word from the King mates him.

If things be carried fair by the committees of the Lower House, I am in some doubt whether there will be occasion for your Lordship to speak to-morrow; though I confess I incline to wish you did, chiefly because you are fortunate in that kind; and, to be plain, also for our better countenance; when your Lordship, according to your noble proposition, shall shew more regard of the fraternity you have with great counsellors, than of the interest of your natural brother.

Always, good my Lord, let us think of times out of Parliament, as well as the present time in Parliament, and let us not all be put *es pourpoint*. Fair and moderate courses are ever best in causes of estate; the rather, because I wish this Parliament, by the sweet and united passages thereof, may increase the King's reputation with foreigners; who may make a far other judgment than we mean, of a beginning to question great counsellors and officers of the crown, by courts or assemblies of estates. But the reflexion upon my particular in this makes me more sparing than perhaps, as a counsellor, I ought to be. God ever preserve and prosper you

Your Lordship's true servant all and ever,

FR. ST. ALBAN, Canc.

March 7, the day I received the seal, 1620.

8.

The conference took place according to appointment, the committee on each side being the whole House; which accounts for the fact that there was no report, and therefore in the Lords' Journals

no notice at all of the proceeding. But from the debate which took place the next day in the Commons, we may gather that Bacon had been rightly informed as to the line which would probably be taken with regard to the Referees by the spokesmen generally, and also that he had rightly divined the exception. Though there was nothing said about them in the arrangement of the parts as recommended by the Committee of Grievances and approved by the House, it seems to have been generally understood that each speaker in setting forth the grieviousness of his Patent should name the men to whom it had been referred, and who had informed the King that it was lawful and expedient. And great was the disappointment when one after another concluded his part without naming anybody.

"Thomas Crew," says Chamberlain, "Heneage Finch the Recorder, and Mr. John Nevill,[1] came so short in their task that they are generally decried and thought to prevaricate, not daring to touch matters to the quick concerning the Referees. Which Sir Edward Coke, who came next them, perceiving, spared not (besides his own part) to lay open; desiring their Lordships not to conclude anything upon this conference, till they heard further. Sir Edwin Sandys, whose part was to aggravate upon all the premises, did likewise but lamely, which he excused the next day by reason these three before named had given him so little matter to work on."[2]

The motives for the reticence of those three may have been many, but that which they alleged in excuse seems sufficient. They did not know, except by hearsay, who the Referees were, or what they had certified. Coke probably did know; having been one of the councillors commissioned to consider what should be done about these Patents by way of preparation for Parliament—that is, to avoid an attack upon them by the House of Commons or make it pass with least danger of a quarrel with the Government. At that time—now three months ago—he must have known, or had the means of knowing, everything that was material about all these Patents, so far as the Government was concerned with them: for whatever fault there was in passing them, and therefore in certifying that they were fit to pass, had been already committed. And this knowledge made him all the more formidable in his new position. Since he was restored to his place at the Council-board in 1617, he had borne himself like a stout Privy Councillor, and we hear of no more disputes with the King—not even when the measures to be taken with a view to the coming Parliament were in question. What passed at the table indeed we do not know: but from all the evidence that remains,

[1] A mistake, I suppose, for Mr. Hackwill.
[2] Chamberlain to Carleton, 10 March, 1620-1. S.P. Vol. cxx. no. 13.

positive and negative, I should infer that in these matters he agreed with Bacon, up to the 29th of November: at which time, or soon after, a great change took place in his position. His ruling passion had always been the assertion and enforcement of the authority of his own office for the time being. While he was a Privy Councillor, and nothing else, his power was in proportion to the power of the King in Council, and no man set it higher. As soon as the electors of Liskeard chose him for their member, his power was in proportion to the power of the Lower House of Parliament; which it accordingly became his duty to magnify and enforce. An immense promotion! There is a story that when some one advised James early in that session "to take down the Lower House a little," he replied (being at the time in a very good humour with them on account of the subsidy just passed) that he was but one King, they were 400, and every one a King; and therefore he would let them alone.[1] Coke had suddenly risen from being the servant of the one King to be the ruler of the 400; and though just now very gracious and complimentary to his former master, was no longer to be "mated" by any *caveat* from him. But what had become known to him in the confidence of the Council-chamber his oath of secrecy forbade him to reveal without leave; and if of his own knowledge he could have said who the Referees were and what they certified, he did not communicate it, as of his own knowledge, either to the Committee or to the House. The only evidence which could have been produced at the Conference was the verbal statement of Sir Giles Montperson in one case, and of Sir H. Yelverton in the other.

But whatever reason they might have, the House was not in a humour to allow it. The Conference-committee had been a committee of the whole House. Every member therefore was a judge of the manner in which their instructions had been executed. And they lost no time in calling their orators to account.

The debate began with an attack upon their own Speaker, who seems to have been accused of so managing or mismanaging the putting of the question that the resolution of the House with regard to the Referees was either not passed or not understood. The private Journal gives the following sketch of the speeches made by way of objection to the conduct of the Conference; and they agree substantially with the notes in the Journal of the House.

"*Mr. Mallory.* That had it not been for Sir Dudley Digges and Sir Edward Coke, the business concerning Sir Giles Montperson at the conference with the Lords had fallen to the ground.

[1] Locke to Carleton, 12 March, 1620–1. S. P. vol. cxx. no. 15.

"*Sir Robert Phillips.* He had thought to have spoken but to two points, but now will speak to three.

"1. The Speaker doth not carry himself [well] in putting things to the question, nor frameth the question according to the sense of the House.

"2. That amongst other omissions yesterday in the conference, it was omitted to speak of the Referees: he hopeth it was not purposely forgotten; for no noble or free man will be afraid to name those that fear not to wrong their country.

"3. For a remedy, he would that at the next conference with the Lords the omissions might be spoken of and remembered; or rather that we should send to-morrow morning to repair our duties, and the King's and their own honours.

"*Mr. Nevill.* That the Speaker hath been the cause that many good and plausible motions have become abortive, and hath made them perish as soon as they have been born. That the heart and tongue of Sir Edward Coke are true relatives, but his pains hath not reaped that harvest of praise that he hath deserved. For the Referees, they are as transcendent delinquents as any other, and sure their souls made a wilful elopement from their bodies when they made these certificates; of which Referees some are active, and they have been and are very criminal; others are passive, and their names only have been used. He desireth that this matter of Referees may be duly considered, without respect of places or persons.

"*Sir Thomas Wentworth.* That the omission may be supplied by some other members.

"*Sir Dudley Digges.* Wisheth that we should not be too curious in challenging too large a power.

"*Sir Thomas Rowe.* That those who were employed in opening of that business to the Lords, if they had doubted their order had not been large enough, should have asked a better order. That there was omitted all the particular commitments made by the Commissioners in the business of Gold and Silver Thread, the sophistication of the silk that was used to make the Gold and Silver Thread, the offering of yellow silk for gold thread; and therefore he wisheth that those who omitted anything of their parts, should to-morrow by another conference repair what they omitted yesterday."

There seems to have been no voice at all on the other side: and the members who were complained of rose successively to make their excuses.

"*Mr. Hackwill* excuseth himself and saith that in his part there was no Referee: for on Sir Giles Montperson's petition for the 200*l.* old rent to be made up out of concealments, it was referred to Sir Thomas Coventry only to draw a book according to the petition, and not to consider of the lawfulness and conveniency of the grant.[1]

[1] This is all of Hackwill's speech that is given in the private Journal. According to the note in the Journals of the House, he added—"That Mr. Chancellor

"*Mr. Crew* excuseth himself, saying, he hath the testimony of his own heart of his willingness to perform his duty for the service of this House: That he took it he had cleared his Majesty's honour by noting his judicious steps in the granting the Patent for Inns:—That there being no certificate concerning the lawfulness or conveniency of granting of the Patent of Inns (to his knowledge) brought into the House, he thought it not fit to mention the Referees but on good ground, and not on the verbal affirmation of Sir Giles Montperson.

"*Mr. Recorder* excuseth himself, saying he came with a faithful heart to perform the service of this House:—that he left out the Referees because there was no other proof of them than only the words of Sir Henry Yelverton, who only said there was a great person to whom this was referred."[1]

I said that the alleged excuse for omitting to name the Referees seemed sufficient; and I cannot find either in the private Journal or the Journals of the House that any sufficient answer was given to it. Both Coke and Phillips made observations, and *repeated* the statements of Montperson and Yelverton: but, as far as I can make out, they offered no proof beside. And indeed Coke (who spoke so much more indulgently than usual that he almost withdrew the charge which he had himself made) seemed by implication to admit that they had no other proof. But we know what a high value (as evidence) he always claimed for a confession by which the confessant is himself incriminated: and on that ground he thought, in the absence of better evidence, that Yelverton's was good enough.

"If we cannot come to the originals, let us take the confession of Sir H. Yelverton, who *particeps criminis*."[2]

The debate then turned upon the manner of repairing these omissions, and there followed a somewhat distracted and disorderly discussion,[3] in the course of which the Speaker was again sharply criticised, but which ended in the appointment of a Committee to make arrangements for another conference the next day. Coke was to go early in the morning and ask for a second hearing. Crew and Finch were to be prepared to name the Referees, the fees to Justices, the advisers, the sharers, the proclamations, the imprisonment (in

of the Exchequer and Mr. Solicitor made agreements with Sir G. Montperson which much restrained that grant. Thinketh it of great consequence the Referees should be touched. That not proved at the Committee who the Referees for the Patents of Gold and Silver Thread."

[1] Proceedings and Debates, vol. i. p. 135 [2] C. J. p. 547.

[3] "*Mr. Alford.* That he warned them before of haste. Never saw Parliament so out of order." Id. Ibid.

which Bacon was implicated), and all the rest: and Coke himself was to conclude and apply. The Lords replied that they would meet them at two in the afternoon. In the mean time the King came to the House and made "a long speech, the effect whereof was (as I hear)" says one of Carleton's correspondents, "to satisfy the Upper House that he was not guilty of those grievances which are now discovered, but that he grounded his judgment upon others who have misled him."[1] He was a little afraid that the conference might hinder the passing of the Subsidy Bill, which was not yet complete; and sent a message to the Lower House desiring that, unless both could be despatched that afternoon, the conference might be deferred till Monday. But they answered that they would despatch both:[2] the conference was held at the hour agreed on and Crew and Finch performed their parts:—this time to Coke's satisfaction.

9.

It was an unfortunate day for Bacon; who, though only named among the rest, was the real object of attack—as appears from the fact that when he was overthrown shortly after upon a totally different charge, the rest were not pursued any further. And it was the more unfortunate because his accusers were at liberty to speak against him whatever they pleased, while he, if he had had ever so good a defence to make, was not at liberty to say a word in answer. He could not so much as intimate that he was prepared to answer the charge at the proper time, without transgressing the rules of the House. Coke in reporting to the Commons what passed, observed "that both the Lord Treasurer and the Lord Chancellor did offer to make apologies for themselves, and to justify what they certified as Referees; but they deferred it to a more seasonable time:"[3] and when he inquired whether they said that "as from the Lords in general"— the answer was a general cry of No:[4] and this statement is fully confirmed by the account given in the Lords' Journal of what was passing in the Upper House at the same time.

"The Lord Chancellor, removing from his place to his seat as a Peer, reported what passed at the last conference of both Houses on Saturday last; the inducement of which conference

[1] Tho. Locke to Carleton, 12 March, 1620-1. S. P.
[2] C. J. p. 549. They did not get the Subsidy Bill through till Monday: but it made no difference.
[3] Proceedings and Debates, vol. i. p. 143. [4] C. J. p. 550.

was, to clear the King's honour touching grants to Sir Gyles Mompesson and the passages in procuring the same. The effect of which conference was that the King, upon the petition of Sir Gyles Mompesson to have a patent to reform abuses of divers innkeepers, and a warrant to compound for the penalty of obsolete laws touching the prices of horse-meat, referred the same unto divers Judges for the point of law, and to divers Lords for the point of conveniency.

"That his Majesty had the like care in granting the patent for the monopoly of the sole making of gold and silver thread. And shewed how Sir Henry Yelverton advised the same to be resumed into his Majesty's own hands, and by indentures to authorise divers to govern the same; which was first referred also by his Majesty to the consideration of divers of his Council; that the benefit arising to the King was set over to others, *pro tempore;* that the authority granted by the King was much abused in the execution thereof, to the intolerable grievance of the subject; and much imposture was used in the trade.

"The Lord Chamberlain declared that at the said conference with the House of Commons, two great Lords (meaning the Lord Chancellor and Lord Treasurer) spake in their own defence, not being allowed so to do, when the Committees were named, and the said conference directed and limited by this House; which was against the ancient order thereof: and therefore his Lordship moved, an order to be now entered to prevent the like hereafter, which was agreed unto; with this, that the said two Lords should give the House satisfaction by the acknowledgment of their error therein.

"Whereupon the Lord Chancellor, removing to his seat as a Peer, did acknowledge that, contrary to the orders of the House, he had spoken at the last conference more than he had direction by the House to do; and acknowledged that he had erred therein: the which acknowledgment the Lords generally accepted.

"The Lord Treasurer also made the like acknowledgment. And it was specially moved by the Lords that these acknowledgments should be entered by the clerk."[1]

The clerk who kept the Journal of the House of Lords entered with great punctuality all the orders and proceedings, but never

[1] L. J. p. 42.

anything of what passed in debate. It is impossible to know therefore how Bacon stood now in the general opinion of the House, or to guess what chance he had of carrying them with him when the time came to answer these personal charges for delinquency as a Referee. But his position was now one of great danger. The Commons,—ready to see any amount of iniquity in anything which Coke told them was inconsistent with some statute,—determined to find no fault either in the King or Buckingham,—and yet full of the patriotic fervour which cannot be satisfied without a victim,—had evidently fixed on Bacon as the man who was really responsible for all that was wrong. He knew that when the Commons were in that humour, the Lords had never of late years had courage to oppose it, even when their proceedings were most unjustifiable:[1] and if he ever wished the King to exert his authority to protect him from an impeachment, I think it must have been at this time, and in this business of the Referees. His servant, Thomas Bushel—a bad authority at best, for, besides several philosophical inventions which nobody else ever heard of, he has fathered upon Bacon a long speech, prepared, he says, for the House of Lords, with which it is impossible to believe that Bacon had anything to do,—Thomas Bushel, writing from recollection long after, represents his resolution to renounce his defence and submit himself to the Lords as a deliberate sacrifice to loyalty: the King, who feared that he could not save both him and Buckingham, having sent for him and given him "positive advice" to that effect; on which occasion he attributes to him certain words at parting which (if we make allowance for a little dilution, characteristic of the reporter) certainly have Bacon's stamp upon them, both in thought and expression. "He took leave of him," he says, "with these words: those that will strike at your Chancellor, it is much to be feared, will strike at your crown; and wished that as he was then the first, so he might be the last of the sacrifices." We shall see presently, I think, that after Bacon was charged with *corruption* no such interview can have taken place; for we know on much better authority what passed at the only interview which did take place in the interval between the charge and the sentence. But it seems to me not unlikely that while the matter was not a charge of personal corruption, but "a beginning to question great counsellors and officers of the crown by courts or assemblies of estates"[2] for giving unconstitutional

[1] See the Bishop of Bristol's case in 1607 (Vol. III. p. 208). Dr. Cowel's in 1610 (Vol. IV. p. 161). The Bishop of Lincoln's in 1614 (Vol. V. p. 62), and the case of Lloyde or Floyd in the present summer,—which is yet to come:—much the worst of all.

[2] See letter to Buckingham, 7th March, p. 192.

advice to the King,—and this was the case of the Referees,—Bacon did advise the King to interpose, and did warn him of the consequences of giving way. A councillor charged with corruption or other offence against the law was to be handed over to the proper court for trial; but for offences against the King in giving him unwise counsel or misinforming him as to the law, it was for the King himself to call him to account. To make the King's councillors answerable, not to the King, but to the House of Commons, would have been to anticipate the result of two revolutions and leap at one bound into our present constitution—in which it is true that the King's ministers are answerable to the House of Commons, but it is also true that the House of Commons is the King. Such words, spoken on that occasion, would have been both appropriate and prophetic.[1] And if this is the true version of Bushel's story, it helps to make intelligible a letter preserved in Toby Matthew's collection, for which it would be otherwise difficult to find a place.

It is entitled "The Lord St. Alban's Bacon, to an humble servant; my Lord believing his own danger to be much less than he found it;" and like most of the letters in this collection, has been stripped of dates and names and such circumstances as might serve to identify the particular occasion. But an allusion to it in a later letter leaves little doubt that the humble servant was Matthew himself, and the contents show that it was written at a time when Bacon's friends thought his fortunes in danger; when he was not himself conscious that he had committed any serious offence; and when his security against the danger with which he was threatened depended in some way upon his continued favour with the King:—conditions which could not have concurred except in the first half of March; but which did all concur when he seemed to be in danger of impeachment by the Lower House for his conduct as a Referee, when he was coldly supported by the Upper, and when he hoped the King would insist upon his right to

[1] The anecdote told in a French letter (printed by Montagu, vol. xvi. part 2, note GGG) from "M. le Chevalier Digby" to "M. de Fermat" belongs also, I should think, to this time. Bacon came to Buckingham, told him of the charge which a member of the Lower House (*un de ceux de la chambre basse*) had made against him, and begged him to use his credit with the King on his behalf; and being told that he stood so well in the King's favour that he needed no intercessor with him, replied that he thought he did stand very well, but that the best fire will always burn the brighter if it be properly blown.

There are no means of fixing the date with exactness. But such a conversation might certainly have taken place immediately after the conference of Saturday, March 10, before any charge of *corruption* had been made or thought of by anybody.

be himself the judge of offences committed by his own servants against himself; the offences in this case imputed being precisely such as were ordinarily dealt with by information in the Star Chamber at the King's suit.

[To Mr. Matthew.[1]]

Sir,

I say to you, upon the occasion which you give me in your last, *Modicæ fidei quare dubitasti?* I would not have my friends (though I know it to be out of love) too apprehensive either of me, or for me; for I thank God my ways are sound and good, and I hope God will bless me in them. When once my master, and afterwards myself, were both of us in extremity of sickness,[2] (which was no time to dissemble) I never had so great pledges and certainties of his love and favour: and that which I knew then, such as took a little poor advantage of these latter times, know since. As for the nobleman who passed that way by you, I think he is fallen out with me for his pleasure, or else perhaps to make good some of his own mistakings. For he cannot in his heart but think worthily of my affection and well deserving towards him; and as for me, I am very sure that I love his nature and parts.

Who the nobleman was who "passed that way by" Matthew, it is not easy to make out. The expression (which is not much in Bacon's manner) has probably been altered by the Editor for the purpose of making it difficult. But from a second letter, which will be given presently, some particulars may be gathered which will perhaps enable us to identify him. In the first place, he was one who "went over"—that is, crossed the sea—a little before this letter was written, and whose going over was the occasion of the letter to which this was an answer,—or at least coincident with it. In the second place, he was concerned in some "book"—that is, some grant or warrant—which had to pass the seal. Thirdly, he was one from whom Bacon had formerly received "favours"; one whose "nature and parts" he loved, and who had "much greatness of mind." Fourthly, he was one who had taken offence (through a misunderstanding) at something connected with the passing of that

[1] Matthew's collection of letters, p. 32. [2] That was in the Spring of 1619.

"book," and to whom Bacon wished, by Matthew's means, to be reconciled. Now Lord Digby arrived at Brussels (where I believe Matthew then was) on a mission to the Archduke on the 7th March, 1620–1.[1] He was not unlikely to have "books" requiring the seal, in connexion with the passing of his accounts or the expenses of his mission;[2] and if he suspected Bacon of some want of alacrity in despatching them, the description would otherwise suit him well enough.

10.

What kind of case would have been made out against Bacon in this matter of the Referees, if he had been formally accused and brought to his answer, it seems impossible to conjecture. The Lords were quite ready to take the complaints into consideration. They immediately invited the Commons to meet them at another conference, bringing with them all their proofs, written and oral. They appointed a select committee to confer with them, and proceeded in committee of the whole House to consider the business which was to be handled.

"Whereupon, the Lord Chancellor removing from his place to his seat as a Peer, after long debate it was concluded and agreed:—

"That the Lord Chamberlain shall begin the said Conference; and that it shall be lawful for any of the Lords of the said Committee freely to question with the Commons, to this intent only, to be informed of their proofs of the grievances whereof they complain; and to that end to enter dispute and arguments with them, and to appoint another meeting, if cause shall so require.

"It was further agreed that Mr. Attorney shall be assistant to the said Lords Committees, and shall take notes of the proofs produced in the said Conference, and that any other Lord may also take notes thereof, and confer the same together; and the Lord Chamberlain to make report thereof to the House."[3]

The Commons agreed, and the conference took place on Thursday, the 15th; when they delivered in the Declaration of their Grievances, and the heads of the proofs, in writing. The grievances complained of were three: "Penal statutes for Inns; Grants of monopolies of Gold and Silver Thread; and Grants of Concealments." Their Declaration, if we may judge from the Lord Chamberlain's report as entered in the Journals, was plain, tempe-

[1] Gardiner, vol. ii. p. 79.
[2] See Calendar of State Papers, pp. 173, 330, 574.
[3] Lords' Journals, March 13, p. 43.

rate, and studiously loyal. There were three points, they said, in which they had been specially careful: "1. Not to meddle with the King's Prerogative. 2. To preserve the King's honour. 3. To restore to the subjects their wealth." And as to the Referees, it does not appear that they said anything whatever.

The three Declarations having been read,

"The Lord Chancellor opened the several points considerable therein: which his Lordship conceived to be five: *videlicet*:—

1. The Patents, which are three, and the points in law concerning the same.

2. What parties are to be charged for the same.

3. The proofs: and therein are also to be considered what hath been delivered by the Commons, and what may be further found out, and how.

4. The punishment to be inflicted on the offenders.

5. The precedents and manner of the punishments, according to the quality of the offence."

A debate followed, in which (upon the motion of the Earl of Southampton, seconded by Bacon) it was agreed that they should begin with the execution of the Patents by the Patentees and their agents: that each of the three Patents complained of should be referred to a separate committee; and that the witnesses (whose evidence given to the Commons was not on oath) should be sent for and sworn to their examinations. The committees having been named, a general debate took place as to the power to be conferred on them.

"Whereupon, the Lord Chancellor, removing to his place as a Peer, his Lordship moved, that the Lords Committees would confer with Mr. Thomas Crew, Mr. Recorder of London, and Mr. R. Hackwill; for that these gentlemen, being members of the Lower House, had taken pains in the several examinations of these grievances."

And it was finally agreed (in conformity with Lord Southampton's first motion) that the execution of these Patents should be first handled, and that the Committees should have power to call for what witnesses they chose, and to examine delinquents upon oath.

All this was on the 15th of March; and so far, the only thing which pointed to Bacon as personally interested in the matter was the fact that neither he nor the Lord Treasurer was placed upon

any of these Committees. That, however, was only because they had both been publicly accused. Charges had been made against them by the express authority of the other House, which, whether true or not, made them unfit to act as judges in any of these cases. In the course of the enquiry these charges would no doubt have come under the consideration of the Committees, and given an opportunity for explanation and reply. It is clear that Bacon did not seek to evade them; or he would not have proposed that the Committees should *begin* by conferring with the three lawyers who had been specially employed to set them forth and urge them home; and it is quite conceivable that according to his political ideas, the two patents with which he was more especially concerned—under which commissioners were appointed, in the one case to see that Inns were not kept by unfit persons, and in the other to protect from interlopers the manufacture (now taken into the King's hands) of Gold and Silver Thread—were good things for the country if properly used; and that for the abuses, he was himself neither a party to them nor cognizant of them. Even to modern ideas there is nothing strange either in forbidding men to set up public-houses without a licence, or in securing to inventors the exclusive privilege of working and selling their invention. It might be hoped that the business of inn-keeping, if restricted to persons who could show a certificate of fitness signed by a Justice of Assize, would be better conducted: and with that patent Bacon does not appear to have had more to do than to report his opinion to that effect. With respect to the other, he does not stand quite so clear. The new mode of manufacturing Gold and Silver Thread had been decided to be substantially a new invention; and in his opinion it was entitled to protection as such. But besides giving that opinion, he was in this case to a certain extent responsible for the mode of carrying it out. On the 22nd of April, 1618, he, together with the Lord Treasurer, the two principal Secretaries, the Lord Chief Justice, the Attorney and Solicitor-General, the Lieutenant of the Tower, and two private gentlemen, was appointed a commissioner to protect it. But it was a commission in which any two were a *quorum*, and though all were in a way responsible, it does not appear that he had to take any active part in their proceedings, except on one occasion; which, as we hear no more of it afterwards, it may be well to mention now.

On the 20th of October Sir Giles Montperson was added to the commission, and in the following spring, the regular process for punishing interlopers being found too slow, a new one was devised. It was proposed that those tradesmen who were likely to interfere

with the patent should be required "to enter into a bond not to meddle or make any gold or silver thread"; and when they refused, Sir Henry Yelverton—Attorney-General, and one of the commissioners—was called upon by Sir Edward Villiers, who was chiefly interested in the patent, to imprison them. Sir Henry committed them to the Fleet, though reluctantly, as he afterwards declared; and not without the express confirmation of the Lord Chancellor: and when they petitioned to him, gave them no answer. Upon this they complained to the Lord Chancellor; who called them before him, heard them, and sent them back to prison, "where they remained till, upon the petition of the City to the King, his Majesty instantly released them."[1]

Now if this be a true statement—and I have no reason to suspect the truth of it, except that it rests only upon the authority of Yelverton, who would naturally wish to make his own share of the offence less by throwing as much of it as he could upon another,—ignorance cannot here be pleaded in Bacon's excuse: for it seems that he twice confirmed the imprisonment; and once after hearing the parties in their own defence. And though I would not undertake to say how far under the large and indeterminable authority of prerogative the powers of the commissioners might, as the law then stood, be legally stretched, it is not probable that the imprisonment admitted of any absolute justification in point of law; or Yelverton, one of the best lawyers of the day, and the party with whom the chief blame rested, would have taken that ground of defence—which he does not seem to have done.

There were two points therefore on which one would have liked to know what Bacon had to say for himself,—the sanction which he gave to the first committal, and the recommittal after hearing the complaint.

For the first, as we do not know in what terms the question was proposed to him, it may be supposed that, in confirming a warrant drawn by the Attorney-General, he did it in reliance upon his judgment, without looking into the case. An officer who has so many things to do as the Lord Chancellor, must do many upon trust; for he cannot attend personally to everything. But the excuse does not hold good for what he did after hearing the case himself. If he had any defence to make upon that charge, it must have been either that the committal was legal, or that he at the time believed it to be legal, or that the right to release the prisoners did not rest with him. Whether it *was* legal, is a question for lawyers, and if it be

[1] 'Archæologia,' vol. xli. p. 199.

decided that it was not, Bacon's *law* must be admitted to have been in fault. But was the illegality so well established at the time that he cannot be supposed to have been mistaken about it? Looking at the Proclamation on the subject of this Patent which was issued on the 10th of October, 1619, and which Mr. Gardiner has printed in full,[1] I find it difficult to think so. The object of that Proclamation was to regulate, but at the same time to authorise and enjoin, the exaction of bonds from tradesmen,—to be forfeited if they infringed the Patent: and in case any one "withstood or refused to obey" it, the King's pleasure was that upon complaint and proof before any two of the Commissioners, or before the Attorney-General for the time being, they should "take order to punish any person so offending as a contemner of our royal will and commandment, *by imprisonment or otherwise*, as shall and may stand with the justice of this our realm." Now, though the King's Proclamations could not alter or add to the law, they declared what the law was believed to be. And whoever drew up this one was clearly of opinion that refusal to obey a Proclamation was an act of *contempt* legally punishable by imprisonment. It was drawn most likely either by Yelverton or Coventry, and if it had been an established doctrine at the time, that imprisonment for refusing to obey a Proclamation was an illegal act, they would surely have advised the King in so conspicuous a publication to refrain at least from commanding that it should be committed. Bacon would probably have refused to admit the illegality, and maintained the right of the Crown to imprison for contempt, as the Courts of Justice do now; and on similar grounds. I do not know whether any penalty is incurred in these times by disrespectful treatment of a Royal Proclamation, but it is certain that a man who makes remarks before a popular audience upon the proceedings of one of our Courts of Law, tending to bring it into discredit, is liable to fine and imprisonment at the discretion of the Court upon which his remarks are made; and in those days as much respect was due to a King as to a Judge.

But, besides the question of legality, there was the question of policy; and, however the law of the case might be as Bacon understood it, or however ready he might be to overstretch the law in the service of Buckingham's friends, it is difficult to reconcile the action imputed to him with his own political objects. The exact date of the transaction is not known: for I cannot think the grounds conclusive upon which Mr. Gardiner puts it as early as June, 1619.[2] But suppose it to have occurred at any time between the summer of

[1] 'Archæologia,' vol. xli. p. 200. [2] *Ibid.*

1619 and the summer of 1620, it was a time when Bacon was looking anxiously for an opportunity to advise the King to call a new Parliament, and when the progress of affairs both at home and abroad made it certain that the calling of a Parliament could not be much longer delayed. He knew of what immense importance it was that the next meeting should be free from distastes, disputes, and obstructions, and therefore that all just occasions of clamour and discontent should be avoided. He knew that there was no grievance so certain to be complained of as the imprisonment of London citizens for the purpose of enforcing an unpopular monopoly. And whether he considered the King's interest, or Buckingham's, or the country's, or his own, one would think he would have wished above all things to keep clear of such a proceeding. And if Yelverton's statement—or the notes we have of it—gives the truth and the whole truth, he might no doubt have kept clear when first applied to. But Yelverton had an awkward story to tell in his own behalf, for he had to confess that he had failed in his duty from want of courage, and it may be that the same want of courage affected his confession—inclining him to confess both too much and too little, according to the humour of those whom he now stood in fear of; and if we had Bacon's account of what passed we might perhaps find material variations. Yelverton would not act without his sanction, but was glad to have it: and in asking for a thing which he wished to have he would naturally make it seem as easy as he could. Now, if Bacon's attention in the first instance was not expressly called to what was questionable in the transaction, he might, as I said, have taken it for granted that all was right, and allowed it as of course; and if when he heard the case on the other side his eyes were opened, if not to the illegality, at least to the impolicy of what had been done, a question would arise as to the best way of undoing it. I am not sure that a man imprisoned by the authority of a Royal Commission *could* be released by the sole authority of the Lord Chancellor. But even if the Warden of the Fleet was prepared to act upon his warrant and give up his prisoner, he may have thought that it could be done in a better way. They had between them done a thing which was at least harsh and unpopular. But it had been done in the King's name and in virtue of his supposed regal power: and seeing that all judicial acts tending to define the precise limits of that power were pregnant with consequences more than could be foreseen, he may have wished (provided the substantial claims of justice and policy could be otherwise satisfied) to avoid any formal decision implying that the act

done was contrary to law and equity; and to let the King himself discharge the prisoners upon a petition from the City. By this course the City was gratified; the King, in place of being convicted of oppression, was enabled to do a gracious and popular act; the sufferers were relieved; and all question concerning the legal extent of the prerogative was avoided. It is to be observed also that though it took so prominent a place among the grievances when the Committee got hold of it, the case does not appear to have raised any clamour at the time. The impossibility of fixing the date proves that: and within two months of the meeting of Parliament, when the Learned Counsel (Coke being one) were making their list of monopolies "likely to be stirred in by the Lower House," they did not include this. So it cannot have been making much noise at that time.

Upon the whole I am inclined to think that if Bacon had been put upon his defence on these charges he would have come off better than his accusers expected. But we shall never know; for before the enquiry reached that stage a very different and much worse matter came out against him, which brought his public career to a sudden and disastrous close.

CHAPTER VI.

A.D. 1620–1. MARCH–MAY. ÆTAT. 60.

1.

THE Committee of Grievances had not been long at their work when complaints were brought before them of abuses in the Courts of Justice; and especially the Court of Chancery: where the Registrars were accused of moving and drawing up orders themselves, and fathering them upon some counsellor-at-law.[1] John Churchill appears to have been the principal offender in this way, and the principal accuser also. For having been himself detected in some such practices, and "sequestered from his office, with danger of further punishment," he resolved "not to sink alone,"[2] but to offer full confessions with regard to everybody else as well as himself. The date of his sequestration is not stated, but since upon the first mention of him which I find in the Journals (28 February),[3] he is represented as having *confessed* these things to the Committee of Grievances, I suppose it had taken place before, and was Bacon's own act. The import of his confession was reported to the House on the 2nd March, and the practice voted a great grievance. But we hear no more of it for some time; for Churchill's revelations pointed at nobler game. The discovery of such abuses in the administration of his own Court, though made by himself, showed that Bacon was at fault in the art of government,—the more because administrative reform was one of his favourite aspirations,—but it did not touch his private character otherwise. The disposition to "think men honest that but seem to be so," is a fruitful source of abuses in all departments, and yet can hardly be reckoned a discredit to the owner. Large allowance would have been readily made to him on

[1] Proceedings and Debates, vol i. p. 109.
[2] Chamberlain to Carleton, March 24.
[3] Proceedings and Debates, ubi sup. (The date 21 Feb. a misprint).

that score; and that there were any other blots on his own tables, strange as it may seem, it certainly does seem, that for a full fortnight after that confession was made to the Committee he had no suspicion whatever. His feeling on the subject a fortnight before may be gathered from the following paragraph in Sir Edward Sackville's report from the Committee for Courts of Justice on the 17th of February:—

"Offered from the Lord Chancellor that any man might speak freely anything concerning his Court."[1]

The letter to Matthew which I have already referred to[2] cannot be exactly dated. But it was evidently written after the last; which was itself written in answer to a communication, probably from Brussels about the 7th of March. It is a reply to a second letter from the same person on the same subject, in which the receipt of the reply to the first was not acknowledged or implied, and may therefore have crossed it on the way. If the words have not been altered, it must have been written while Bacon was still Chancellor, in full action, and apparently in good spirits. And if it was written before the 14th, it cannot I think have been many days before; if after, not many days after.

[To MR. MATTHEW.[3]]

Sir,

I have received your letter, wherein you mention som passages at large, concerning the Lord you know of. You touched also that point in a letter which you wrote upon my Lord's going over; which I answered, and am a little doubtful whether mine ever came to your hands. It is true that I wrote a little sullenly therein; how I conceived that my Lord was a wise man in his own way, and perhaps thought it fit for him to be out with me; for at least I found no cause thereof in myself. As for the latter of these points, I am of the same judgment still; but for the former, I perceive by what you write that it is merely some misunderstanding of his. And I do a little marvel at the instance, which had relation to that other crabbed man. For I conceived that both in passing that book, and (as I remember) two more, immediately after my Lord's going over, I had shewed more

[1] C. J. p. 525. [2] Above, p. 200.

[3] Sir Tobie Matthew's Collection, p. 34. Headed "My Lord of St. Alban's Bacon, to the same humble servant employing him to do a good office with another great man."

readiness than many times I use in like cases. But to conclude, no man hath thought better of my Lord than I have done. I know his virtues, and namely that he hath much greatness of mind, which is a thing almost lost amongst men: nor can any body be more sensible and remembering than I am of his former favours; so that I shall be most glad of his friendship. Neither are the past occasions in my opinion such as need either reparation or declaration; but may well go under the title of nothing. Now I had rather you dealt between us than any body else, because you are no way drenched in any man's humour. Of other things at another time; but this I was forward to write in the midst of more business than ever I had.

If "my Lord" was Digby, as I suppose, the circumstances suit well with the date I have assigned to this letter. For Digby and Matthew were both at Brussels during the greater part of March. From the beginning of April to the middle of May, Digby was in England and Matthew still abroad. And the letter cannot, if correctly printed, have been written later than April, 1621; for unless "I *use*" is a mistake for "I *used*," it must have been written while Bacon still held the seals. Yet we find in it no hint of any personal apprehension; though he was standing on the very brink of such a downfall as has scarcely a parallel in history. Sudden and unexpected reverses of fortune, involving loss of place, power, means of life, and life itself, are common enough. But for a man who believed himself to be setting an example for others to follow, of zeal, integrity, and fidelity in the discharge of all his public duties, to find himself suddenly convicted, on evidence which could not but *seem* conclusive, of corruption in the highest seat of justice, and condemned to serve for the example which all men were hereafter to shun,—and this without any warning from within of the danger in which he stood—was such a fall as neither guilty ambition nor injured innocence ever suffered. Guilt could not fall from such a height: innocence could not sink to such a depth.

I know nothing more inexplicable than Bacon's unconsciousness of the state of his own case, unless it be the case itself. That he, of all men, whose fault had always been too much carelessness about money—who though always too ready to borrow, to give, to lend, and to spend, had never been either a bargainer or a grasper or a hoarder—and whose professional experience must have continually reminded him of the peril of meddling with any thing that could be

construed into corruption,—that he should have allowed himself on any account to accept money from suitors while their cases were before him, is wonderful. That he should have done it without feeling at the time that he was laying himself open to a charge of what in law would be called bribery, is more wonderful still. That he should have done it often, and not lived under an abiding sense of insecurity—from the consciousness that he had secrets to conceal, of which the disclosure would be fatal to his reputation, yet the safe keeping did not rest solely with himself,—is most wonderful of all. Give him credit for nothing more than ordinary intelligence and ordinary prudence—wisdom for a man's self—and it seems almost incredible. And yet I believe it was the fact. The whole course of his behaviour, from the first rumour to the final sentence, convinces me that not the discovery of the thing only, but the thing itself, came upon him as a surprise; and that if anybody had told him the day before that he stood in danger of a charge of taking bribes, he would have received the suggestion with unaffected incredulity. How far I am justified in thinking so the reader shall judge for himself; for the impression is derived solely from the tenor of the correspondence which will be laid before him in due order.

2.

In the beginning of March,[1] Bacon had been warned by one of his friends that he was likely to be charged by a discontented suitor with having, about two years and a half before, taken a sum of money from him for the better dispatch of a suit which was then in progress. And it was said that, though professing at the time to be ready to deny the imputation, he was so far disturbed by the threat that he took measures to get it retracted or forborne. But whatever measures he took, they were ineffectual; for on the 14th Christopher Awbry presented a petition to the House, in which the story was told. It was referred at once to the Committee for Courts of Justice. And on the same day Bacon wrote the following letter to Buckingham: the date of which—a matter in this case of some importance—is ascertained by the docket; which Dr. Birch, who first printed it, appears to have overlooked; and which though not the original docket (for the fly-leaf is gone) was probably copied from the original.

[1] Gardiner, vol. i. p. 432.

To the Marquis of Buckingham.[1]

My very good Lord,

Your Lordship spake of purgatory. I am now in it, but my mind is in a calm; for my fortune is not my felicity. I know I have clean hands and a clean heart; and I hope a clean house for friends or servants. But Job himself, or whosoever was the justest judge, by such hunting for matters against him as hath been used against me, may for a time seem foul, specially in a time when greatness is the mark and accusation is the game.[2] And if this be to be a Chancellor, I think if the great seal lay upon Hounslow Heath, nobody would take it up. But the King and your Lordship will, I hope, put an end to these miseries[3] one way or other. And in troth that which I fear most is lest continual attendance and business, together with these cares, and want of time to do my weak body right this spring by diet and physic, will cast me down; and then it will be thought feigning or fainting. But I hope in God I shall hold out. God prosper you.

3.

This was upon the first rumour of what was coming; before the Committee had reported upon the petition. But he had not heard all. For close upon the first revelation came a second which was like it. A man who had formerly been his client had a suit in Chancery of long standing about a disputed will. Bacon when he became Lord Keeper found it among the arrears of the Court, and made an order in it, the effect of which would have been to remove it to the Prerogative Court in the first instance, and thence for final decision to the King's Bench.[4] It was arranged however upon a petition to the King from one of the parties that the business should be referred to Bacon's arbitration, who undertook to make an end of it according to justice and conscience, having first bound both parties in 10,000 marks to stand to his award.[5] But when his decision was pronounced, his old client (who thought that in the meantime

[1] Gibson Papers, vol. viii. f. 220. Rough draught in Bacon's hand. No fly-leaf. Indorsed "14 March, 1620. Yor Lp. to Duk. Buckingham."

[2] The following sentence, which followed here, is crossed out—"I hope the K. and your Lp. will keep me from oppression."

[3] Originally "these my afflictions," altered to "myseries." So at least I made it out. Birch read it "these my straits."

[4] Gardiner, vol. i. p. 430.

[5] See Vol. VI. pp. 268, 288, 295.

he had made sure of a decree in his own favour) was greatly disappointed; and (being one of many who have no respect for arbitration when the decision goes against them) refused to obey. Whereupon a new bill was exhibited in Chancery, and Bacon ordered the bond of 10,000 marks to be assigned to the other party, "and he to put the same in suit in his Lordship's name." His decision, being again in accordance with the award which he had made as arbitrator, was again, of course, unwelcome to the recusant party; who, finding no justice in Chancery, was now fain to try the King's Bench, and found means to bring his claim in another form before that Court; but still with no better success, for judgment went against him again. This was in 1620: and there the matter rested till the meeting of Parliament.

Whether this old client and aggrieved suitor was himself the mover in the next stage, I cannot clearly make out from the fragmentary notes and imperfect reports of the proceedings which have come down to us. It seems a strange disclosure for a man to make of his own accord—but whether it were that his sense of wrong was too lively to be silent, or that it was some consolation to bring the author of it to grief, or that he hoped by joining in the attack upon Bacon's judicial character to get a rehearing of his cause before another—he betrayed the fact that between the time when the first decree in the cause was pronounced (which was in May or June 1617, and was intended and expected to have the effect of removing it out of the Court altogether) and the time when the parties agreed to refer it to him as arbitrator and bound themselves to abide by his award,—shortly after the one, and a few months before the other —he made him a present of a large sum of money. And though it appeared by the witnesses that it was offered only as a thankful acknowledgment of former services as counsel, and meant to buy a suit of hangings for York House to which Bacon was then on the point of removing,—he seems to have felt that it entitled him also to a favourable judgment from him as arbitrator—making the adverse decision a breach of faith as well as a denial of justice. For unless he *meant* it for a bribe, what had it to do with his grievance? His story (whoever brought it out and from whatever motive) came before the Committee for Courts of Justice, was inquired into, and found to be true. The justice of the judgment—which was not disputed either in this case or in Awbry's, except by those who had failed in the attempt to purchase a more favourable one for themselves—was not the question. It was enough to know that the money had been re-

[1] Gardiner, vol. i. p. 431.

ceived from suitors whose causes were still pending; and armed with these two cases the Committee reported to the House that they had found matter for a charge of corruption against the Lord Chancellor. The 15th and 17th of March were occupied in hearing the particulars, and debating what should be done. The 18th was a Sunday. But on the 19th they sent word to the other House, that having "found abuses in certain eminent persons," they desired another conference; which was immediately appointed for the same afternoon.

4.

With a constitution so delicate and a mind so sensitive, it is not surprising that the shock produced by this new and unexpected situation proved too much for Bacon, and that his health gave way. On that day it was found necessary to appoint a substitute to supply his place in the House of Lords when he was too ill to attend; and he wrote the following letter to them in explanation and excuse of his absence.

To the Right Honourable his very good Lords, the Lords Spiritual and Temporal in the Upper House of Parliament assembled.[1]

My very good Lords,

I humbly pray your Lordships all to make a favourable and true construction of my absence. It is no feigning nor fainting, but sickness both of my heart and of my back, though joined with that comfort of mind, that perswadeth me that I am not far from heaven, whereof I feel the first fruits. And because, whether I live or die, I would be glad to preserve my honour and fame, as far as I am worthy; hearing that some complaints of base bribery are come before your Lordships, my requests unto your Lordships are: first, that you will maintain me in your good opinion, without prejudice, until my cause be heard; secondly, that, in regard I have sequestred my mind at this time in great part from worldly matters, thinking of my account and answer in a higher court, your Lordships would give me some convenient time, according to the course of other courts, to advise with my counsel, and to make my answer; wherein nevertheless my counsel's part will be the least; for I shall not, by the grace of God, trick up an innocency with cavillations; but

[1] Journal of the House of Lords, p. 54.

plainly and ingenuously (as your Lordships know my manner is) declare what I know or remember; thirdly, that, according to the course of justice, I may be allowed to except to the witnesses brought against me, and to move questions to your Lordships for their cross-examination, and likewise to produce my own witnesses for discovery of the truth: and lastly, if there come any more petitions of like nature, that your Lordships would be pleased not to take any prejudice or apprehension of any number or muster of them, especially against a Judge that makes two thousand decrees and orders in a year (not to speak of the courses that have been taken for hunting out complaints against me); but that I may answer them, according to the rules of justice, severally and respectively. These requests I hope appear to your Lordships no other than just. And so, thinking myself happy to have so noble Peers and reverend Prelates to discern of my cause, and desiring no privilege of greatness for subterfuge of guiltiness, but meaning (as I said) to deal fairly and plainly with your Lordships, and to put myself upon your honours and favours, I pray God to bless your counsels and your persons; and rest

Your Lordships' humble servant,

FR. ST. ALBAN, Canc.

19th March, 1620.

This letter was delivered to the Lords the next day by Buckingham, immediately after they had heard the report of what passed at the conference with the Commons the day before. He had visited the Lord Chancellor twice (he told them in presenting it) by the King's direction, had found him the first time "very sick and heavy;" the second time better, and much comforted by hearing that the complaints against him had been referred to that House, where he assured himself to find honourable justice: in confidence whereof he had written this letter to them. It was read twice, first by the Clerk and then again by the Lord Chief Justice—who was now Bacon's *locum tenens*. After which it was agreed, upon the motion of Lord Southampton, to send a verbal answer to this effect:—

"That the Lords received his Lordship's letter delivered unto them by the Lord Admiral: they intend to proceed in his cause (now before their Lordships) according to the right rule of justice: and they shall be glad if his Lordship shall clear his honour therein: to which end they pray his Lordship to provide for his defence."[1]

[1] L. J. p. 55.

It would have been more to Bacon's purpose to know what facilities for defence would be allowed him. The charges were accumulating and the witnesses giving their evidence in his absence, and with no one to watch the proceedings on his behalf. If he did not know what he was charged with, or what the witnessss had deposed, *how* was he to provide for his defence? What he wanted to be assured of was that he would be allowed "to except to witnesses brought against him," to "move questions for their cross-examination," to "produce his own witnesses for discovery of the truth," and to have "convenient time to advise with his counsel and make his answer." In a judicial proceeding so new and rare, to be conducted by a body altogether unpractised in judicial investigation and for the most part very ill-qualified for it, it was far from certain that such things as these would be thought of or admitted; and the terms of their answer did not give any assurance that they could be trusted to see the reason of them, and remember them in time.

They were the more important in this case because the difference between a gratuity which a Chancellor might and one which he might not lawfully accept, was in those days a very nice one—not only in common opinion but in law. If the Lord Chancellor had been required to take the same oath which was required of the Justices (that is, the Judges of the King's Bench and Common Pleas, and the Barons of the Exchequer), it would have been comparatively simple and broad. For a *Justice* was required to swear that he would not "take by himself or by other, privily or apertly, gift nor reward of gold nor silver, nor of any other thing that might turn to his profit (unless it were meat or drink, and that of small value), of any man that should have any plea or process hanging before him, as long as the same process should be so hanging, *nor after for the same cause.*"[1] So that, in the case of a Justice, the acceptance of any gratuity from any man who was or had been a suitor was a violation of his oath, as required by the statute. The statute had been suggested no doubt by the abuse of the practice in the ordinary courts of justice. To forbid the practice altogether was the best way to prevent the abuse of it; and it would have been wise and just to forbid it in the same way to everybody who had to exercise judicial functions of any kind. But *had* it been so forbidden? Though the practice would probably lead to the abuse, it did not necessarily imply it; and in order to prove it an act of corruption it would be necessary, I should suppose, (in the absence of an express law *making* it so) to show that it was connected in some

[1] The oath of the Justices, 20 Edw. III. c. 6.

way with an unjust judgment: necessary in reason at least, however it may have been in law. A judge who decides a case unjustly, knowing his decision to be unjust, in favour of a suitor from whom he has received or has reason to expect a gratuity, is guilty of corruption by the unwritten law of nature, whether he has offended against the letter of any statute or not. But if he decides it (whether for or against such suitor) according to the best of his belief justly, the law of nature sanctions no such inference. If his judgment is not affected by the gratuity, he is a just judge notwithstanding; and if the taking of gratuities has not been made by statute an offence in itself, without reference to the justice or injustice of the judgment following or preceding, he has not offended.[1] Now when I enquire by what statute, known to lawyers in the early part of the 17th century, the taking of gratuities by a Lord Chan-

[1] A learned friend to whom I submitted this passage that he might tell me whether there was any objection to it in point of law, advised me to withdraw it; for though there might be no positive enactment prohibiting the Lord Chancellor from taking gifts, yet as *all* immoral acts are forbidden by the Common Law to everybody, and as the taking of gifts by a judge was an act recognized as immoral not only by the common conscience of mankind but by the particular statute of Ed. III., which imposed the oath, it was an offence against the Common Law by whomsoever committed: and as the offence consisted simply in taking the gift, the question whether the judgment had or had not been affected by it is irrelevant. "It is impossible (in law)," he says, "to go into that question." If this be all, the point of law resolves itself into a point of morals, upon which an unprofessional opinion may be as good as a professional. The act offends against the Common Law because it is immoral, and it is assumed to be immoral partly because everybody feels that it is, and partly because in the 20th year of Edward III. it was forbidden by law to the Judges. Now that every act which it has been found expedient to prohibit under penalties is *in itself* an immoral act, I cannot admit; for if I do I must admit that it is in itself immoral for a candidate at an election to give a dinner and a day's wages to a poor constituent who has sacrificed his day's work and made half-a-day's journey to vote for him: for that is an act which it has been found expedient to prohibit under penalty and declare to be corrupt. Is it true then that the act of taking a gift, *whether allowed to influence the judgment or not*, was always felt to be an act immoral in itself? If history could be cross-examined, it would appear, I suspect, that until it was found by experience that corruption of judgment *followed* the practice, everybody thought it natural, and nobody thought it wrong. And speaking for myself, I say now that *apart* from its effect on the judgment—were it not that the offer or expectation of the gift *tends* to distort the judgment—there would be no immorality in the transaction at all; nor would there be more reason why a judge should not take a gift from a suitor than why a counsel should not take his fee from a client. Leave the matter to conscience and natural feeling, and the man who has received a benefit will desire to express gratitude in some form to the party at whose hands he has received it. That he has received no more than his due, and that his benefactor has done no more than his duty, will not seem a reason for refusing it: and it will be found that through all the social relations of mankind the expression of such gratitude, wherever it is not expressly forbidden, is thought right. Where it *has* been forbidden, as in the case of the Judges,—where the law has made it a crime for a man to do that which may *tempt* him to betray his duty—he incurs the penalty by committing the act, and it is not necessary to enquire further. But where the act is alleged to be against law, not as having been expressly forbidden by law, but as being in its nature immoral, I must know whether he *did* betray his duty before I can say whether the act was against law or not.

cellor had been declared to be an act of corruption *in itself*, *I* find to my surprise that the question is very difficult to answer. The oath taken by the Lord Chancellor contained no allusion to gifts or gratuities of any kind: and I have searched the index to the 'Statutes of the Realm' in vain for traces of an act forbidding them to any other than the Justices. It is true that Coke in the 3rd part of his Institutes c. 68 cites an Act of Parliament of 11 Hen. IV., in which it is enacted that no Chancellor, Treasurer, Keeper of the Privy Seal, King's Counsellor, King's Serjeant, or any other officer, judge, or minister of the King, receiving fees or wages of the King for their said offices or services, shall in future take any manner of gift or brocage of any *for doing their said offices and services* (preigne en null manner en temps a venir ascun manner de done ou brocage de nulluy pour leur ditz offices et services a fair) upon pain, etc. etc. But he says that it had never been printed before, and it is not now to be found in the 'Statutes of the Realm:' and therefore I conclude that it cannot have been an act generally known. Not to add, that as it extends to *all* the services of *all* the officers who received any fee or wages for them from the King, it must have fallen long before James's time into utter oblivion and been broken openly every day. And indeed, considering that the list includes so many officers who exercised no judicial functions between party and party, it is difficult to believe that judicial corruption was the thing aimed at or intended by it. Not to secure justice between party and party, but to secure undivided fidelity to the King, was (as I should suppose) the object of forbidding all these King's officers to take gift or brocage from anybody else. They all had to swear in one form or another that they would "well and truly serve the King,"[1] "not leaving or eschewing so to do for affection, love, meed, doubt or dread of any person or persons:"[2] "that neither for gift, wages, nor good deed, they would layne, disturb, nor let the profit or reasonable advantage of the King in the advantage of any other person, or themselves:"[3] and so on,—the particular engagement varying according to the particular duty of the place. And that they might be in the less danger of temptation to prefer in the performance of their several services the advantage of any other to that of the King, they were all alike forbidden to receive anything for those services from any but the King. The prohibition was a wise one, if it could have been enforced. But it must have been very costly. If the King's servants were to receive nothing for their work from anybody

[1] Oath of the L. Chancellor and L. Treasurer.
[2] Oath of a Privy Councillor.
[3] Oath of the Barons of the Exchequer.

but himself, they must either have been badly paid or drawn heavily upon the Exchequer; and if this was the true meaning of the Act, its being soon laid aside and forgotten is sufficiently accounted for.

Now if it was doubtful in point of law whether the mere act of receiving a gratuity from a suitor in Chancery was itself, apart from all evidence that the decision of the suit had been influenced by it, an act of corruption,—and my chief reason for thinking that there was room for doubt is that the objection does not seem to have occurred to the Lords, and was not advanced or stood upon by Bacon himself—it makes his position much more intelligible both in having allowed himself to fall into the practice and in being prepared (as he certainly was when he first heard of it) to repudiate the charge of corruption,—and stand upon his innocence. But if proof of corrupt *intention* was necessary to prove the act corrupt, opportunity to criticise the evidence became a matter of great importance. Whether he had ever wilfully or consciously perverted judgment for the sake of a gratuity, was known to no one so well as to himself. But whether he had ever accepted a gratuity under circumstances which would justify a presumption or suspicion that it had influenced his judgment, was a matter of evidence, and would depend upon points of great nicety and delicacy. He knew that he had never altered his judgment for a bribe, but he could not know that he had never made a wrong judgment; and a judgment found to be wrong, if it happened to follow a gratuity proved to have been received, would go far to convict him of the offence. He knew that he had never allowed a case which he had decided to be reheard or transferred to another tribunal, except where he had seen reason to doubt the justice of his own decision, or at least to desire that it might pass another judgment. But if it should appear that he had received a present in that case from the party whom the first decision did not favour, he could not escape suspicion of bribery. He knew that he never *meant* to take a gift with an understanding that it would procure a favourable decision; but he could not know that no gift had been given under that impression. The giver's report of the transaction would be unconsciously governed by his own understanding of it; and a slight difference in the story might turn it into evidence apparently conclusive. To remove suspicions of this kind it would be necessary to make it manifest to his judges that the course he had taken was right in itself, and that the gift had nothing to do with it: a thing which before such a tribunal would require a great deal of evidence and explanation.

All this he now saw plainly enough; and though he could not yet believe that the appearances against him would prove too strong to admit of satisfactory explanation,—still less that any practices in which he had really allowed himself were themselves too questionable to be justified,—he saw that the case would require careful watching and that the defence would be difficult. He contented himself for the present, however, with reminding the Lords that there was matter in his letter to which they had not adverted; and the messenger returned with the following answer:—

"That the Lord Chancellor returns the Lords humble thanks for their Lordships' assurance of justice in his cause, and well wishes to him of the success. The one secures, the other comforts him. That he intends to put their Lordships in mind hereafter of some points contained in his Lordship's letter, for that the same were not spoken of in the message delivered unto him."[1]

5.

In order to show the condition in which the case was handed over to the Upper House, it may be well to give the report of the conference at full length. Thus far, the Commons had to a certain extent examined the evidence brought before them; but from this time they merely passed it on as it came, to be dealt with by the Lords.

"The Lord Treasurer reported the conference yesterday with the Commons.

"At which conference was delivered the desire of the Commons to inform their Lordships of the great abuses of the Courts of Justice; the information whereof was divided into three parts: 1. Of the persons accused. 2. Of the matters objected against them. 3. Their proof. The persons are the Lord Chancellor of England, and the now Lord Bishop of Landaph (being then no Bishop but Dr. Feild). The incomparable good parts of the Lord Chancellor were highly commended; his place he holds, magnified; from whence bounty, justice, and mercy, were to be distributed to the subjects, with which he was solely trusted; whither all great causes were drawn, and from whence no appeal lay for any injustice or wrong done, save to the Parliament.

"That the Lord Chancellor is accused of great bribery and corruption, committed by him in this eminent place. Whereof two cases were alleged; the one concerning Christopher Awbrey, the other concerning Edward Egerton.

[1] Lords' Journals, p. 56.

"In the cause depending in Chancery between this Awbrey and Sir William Brouncker, Awbrey, feeling some hard measure, was advised to give the Lord Chancellor an hundred pounds; the which he delivered to his counsel (Sir George Hastings), and he to the Lord Chancellor. This business proceeding slowly notwithstanding, Awbrey did write divers letters, and delivered them to the Lord Chancellor, but could never have any answer from his Lordship; but at last, delivering another letter, his Lordship answered, 'If he importune him, he will lay him by the heels.'

"The proofs of this accusation are five:

1. "Sir George Hastings related it long since unto Sir Charles Mountague. 2. The Lord Chancellor, fearing this would be complained of, desired silence of Sir George Hastings. 3. Sir George Hasting's testimony thereof, which was not voluntary, but urged. 4. The Lord Chancellor desired Sir George Hastings to bring the party (Awbrey) unto him, and promised redress of the wrongs done him. 5. That the Lord Chancellor said unto Sir George Hastings, if he would affirm the giving this hundred pounds, his Lordship would and must deny it upon his honour.

"The case of Edward Egerton is this. There being suits depending between Edward Egerton and Sir Rowland Egerton, in the Chancery, Edward Egerton presented his Lordship (a little after he was Lord Keeper) with a bason and ewre of fifty pounds and above; and afterwards, he delivered unto Sir George Hastings and Sir Richard Younge four hundred pounds in gold, to be presented unto his Lordship. Sir Richard Younge presented it; his Lordship took it, and poised it, and said it was too much, and returned answer, that Mr. Egerton had not only inriched him, but had laid a tie upon his Lordship to do him favour in all his just causes.

"The proofs are, the testimony of Sir George Hastings, and the testimony of Merefyll, a scrivener, thus far, that he took up seven hundred pounds for Mr. Egerton, Mr. Egerton then telling him, that a great part of it was to be given to the Lord Chancellor; and that Mr. Egerton afterwards told him that the four hundred pounds in gold was given to the Lord Chancellor.

"At this conference, was further declared of a Bishop, who was touched in this business upon the bye, whose function was much honoured, but his person touched herein.

"This business (depending) being ordered against Edward Egerton, he procured a new reference thereof from the King, to the Lord Chancellor. His Lordship demanded the parties first to be bound in six thousand marks, to stand to his Lordship's award; they having entered into that bond, his Lordship awarded the matter against Edward Egerton, for Sir Rowland Egerton. And Edward Egerton refusing to stand to the said award, a new bill was exhibited in the Chancery, and thereupon his Lordship ordered that this bond of six thousand marks should be assigned unto Sir Rowland Egerton, and he to put the same in suit, in his Lordship's name. The Bishop of Landaph (as a friend unto Edward Egerton) adviseth with Randolph Davenport and Butler (which Butler is now dead), that they

would procure a stay of the decree upon that award, and procure a new hearing. It was agreed, that six thousand pounds should be given for this by Edward Egerton, and shared amongst them and certain honourable persons. A recognizance of ten thousand pounds was required from Mr. Egerton to the Bishop, for performance hereof; the Bishop's share of this six thousand pounds was to have been so great, as no court of justice would allow. They produced letters of the Bishop's, naming the sum, and setting down a course how this six thousand pounds might be raised; *videlicet*, the land in question to be decreed for Mr. Egerton, and out of that the money to be levied. And, if this were not effected, then the Bishop promised, *in verbo sacerdotis*, to deliver up the recognizance to be cancelled. The recognizance is sealed accordingly; and Randolph Davenport rides to the court, and moved the Lord Admiral for his Lordship's letter to the Lord Chancellor herein; but his Lordship denied to meddle in a cause depending in suit. Then the said Randolph Davenport essayed to get the King's letter, but failed therein also: so that the good they intended to Mr. Egerton was not effected; and yet the Bishop, though required, refused to deliver up the said recognizance, until Mr. Egerton threatened to complain thereof to the King.

"He showed also, that the Commons do purpose, that, if any more of this kind happen to be complained of before them, they will present the same to your Lordships; wherein they shall follow the ancient precedents, which shew that great personages have been accused for the like in Parliament.

"They humbly desire that, forasmuch as this concerns a person of so great eminency, it may not depend long before your Lordships; that the examination of the proofs may be expedited; and, if he be found guilty, then to be punished; if not guilty, the accusers to be punished."[1]

As a means of "expediting the examination of the proofs," the King, when he heard how the case stood, offered to grant a commission under the Great Seal to six members of the Upper and twelve of the Lower House (to be chosen by themselves), with power to examine witnesses upon oath.[2] This should have been a fitter Court to try such a case than the whole House of Lords: but both Houses were jealous of their jurisdiction, and delighted with their present good understanding; the message was received coldly; the King did not press it; and the question was left to the ordinary course of Parliamentary proceeding—so far as it could be made out what the ordinary course was.

The Lords were glad to show how ready they were to undertake the case. They began to swear and examine the witnesses the same day, and the next day they appointed three committees of four, with "power to take examinations of all points generally concerning this business; with this special caution, that none be urged to accuse

[1] Lords' Journals, p. 53. [2] Commons' Journal, 19 March, p. 563.

himself." One of the Learned Counsel was appointed to attend each committee. And, "forasmuch as the examination of these witnesses would require much time, it was agreed" (March 21) "that the Committees should transmit the names of some of the principallest of them, and the heads whereupon they were to be examined; and the examinations to be taken in open Court." In open Court; but apparently without any opportunity for exception or cross-examination on behalf of the party accused. It was agreed at the same time, that all the witnesses so transmitted to be examined in open Court should have the following interrogatories ministered to them:—

"1. Whether they, by themselves or any other person, have given money or other gratuity to the Lord Chancellor, or to any other servants, friends, or follower of his?

"2. Whether they have advised or directed any so to do, or known of any other that hath so done?

"3. Whether they, or the parties which they advised so to do, or have heard so to have done, had then any cause or suit depending before him, or intended to have any?

"4. Whether they have intended, attempted, or contracted for any gratuity so to be given, though not performed?"

It was specially ordered also, that "no witnesses were to be examined what they received themselves, but only what bribes were given to the Lord Chancellor."

They had made up their minds already that a gratuity was a bribe; and as they had examined Churchill, the registrar, personally just before, and certain "Instructions" with which he had furnished the House of Commons, "concerning divers bribes and abuses in the Chancery," were even now on their way to them—there could be little chance, with these means of discovery, these searching interrogatories, and these precautions for saving harmless all witnesses who would come forward,[1] of any questionable act escaping detection. So that we probably know the worst of one side of the case, whatever obscurity may still rest upon it from the non-representation of the other.

On the 22nd, three new cases were sent up from the Commons; many witnesses were examined: "the confession and instructions of John Churchill touching bribery and corruption of the Lord Chancellor was read," and delivered, along with the petitions in the

[1] "After long debate of this matter, it was ordered That the examinations taken in this Court should not be hereafter used in any other cause nor in any other court." Lords' Journals, 23 March, 1620.

three new cases, to the Committees for examination. Another Committee was appointed to search precedents for judicature. And as it was now within a week of Good Friday, it was agreed, upon an interchange of messages between the two Houses, that they should adjourn for Easter on the 27th of March, and meet again on the 17th of April: it being provided, however, that the Committees should go on with their examinations during the recess, and prepare them for the next session.[1]

The 24th was the anniversary of the King's accession. On the 25th Bacon sent him, through Buckingham's hands, a letter, from which we learn something more as to his own view of his own position as he saw the storm gathering over him.

To the Marquis of Buckingham.[2]

My very good Lord,

Yesterday I know was no day; now I hope I shall hear from your Lordship, who are my anchor in these floods. Mean while to ease my heart a little, I have written to his Majesty the inclosed; which I pray your Lordship to read advisedly, and to deliver it, or not to deliver it, as you think best. God ever prosper your Lordship.

Yours ever what I can,

Fr. St. Alban, Canc.

March 25, 1621.

To the King.[3]

It may please your most excellent Majesty,

Time hath been when I have brought unto you *gemitum columbæ* from others. Now I bring it from myself. I fly unto your Majesty with the wings of a dove, which once within these seven days I thought would have carried me a higher flight.

When I enter into myself, I find not the materials of such a tempest as is comen upon me. I have been (as your Majesty knoweth best) never author of any immoderate counsel, but always desired to have things carried *suavibus modis*. I have been no avaricious oppressor of the people. I have been no

[1] L. J. March 23 and 27. [2] Tanner MSS. 89, f. 120: original.
[3] Tanner MSS. 72, f. 105: original.

haughty or intolerable or hateful man, in my conversation or carriage. I have inherited no hatred from my father, but am a good patriot born. Whence should this be? For these are the things that use to raise dislikes abroad.

For the House of Commons, I began my credit there, and now it must be the place of the sepulture thereof; and yet this Parliament, upon the message touching religion, the old love revived, and they said I was the same man still, only honesty was turned into honour.

For the Upper House, even within these days before these troubles, they seemed as to take me into their arms, finding in me ingenuity which they took to be the true straight line of nobleness, without crooks or angles.

And for the briberies and gifts wherewith I am charged, when the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuse of the times.

And therefore I am resolved when I come to my answer, not to trick up my innocency (as I writ to the Lords) by cavillations or voidances, but to speak to them the language that my heart speaketh to me, in excusing, extenuating, or ingenuous confessing; praying to God to give me the grace to see to the bottom of my faults, and that no hardness of heart do steal upon me, under shew of more neatness of conscience than is cause.

But not to trouble your Majesty longer, craving pardon for this long mourning letter; That which I thirst after as the hart after the streams, is that I may know by my matchless friend that presenteth to you this letter, your Majesty's heart (which is an *abyssus* of goodness, as I am an *abyssus* of misery) towards me. I have been ever your man, and counted myself but an usufructuary of myself, the property being yours: and now making myself an oblation to do with me as may best conduce to the honour of your justice, the honour of your mercy, and the use of your service, resting as

clay in your Majesty's gracious hands.

FR. ST. ALBAN, Canc.

March 25, 1621.

The next day the King made a speech to the House of Lords,

recognising their authority as the Supreme Court of Justice; confirming their privileges, reminding them of their duties, advising them to be guided by precedents in the times of good government; leaving judgment wholly to them, and declaring his readiness to carry their sentence into execution; and moreover, in return for their kind dealing with himself, announcing his intention to "strike dead" the three Patents principally complained of—Inns, Ale-houses, Gold and Silver Thread;—a temperate, judicious, honest speech; with which the Lords were much gratified. The day after, both the Houses adjourned; the Lords' Committees being left to pursue the examinations, and Bacon to learn what he could of the evidence against him, and consider how his account stood, and what was best to do.

6.

If he was well enough, he would naturally at such a time seek a little rest at Gorhambury. And if any faith is to be placed in an anecdote told by the author of *Aulicus Coquinariæ*—an answer to Weldon's 'Life and Character of King James,'—this seems to be the most likely occasion of it.

After commenting upon Weldon's account of Bacon, the writer goes on—

"And let me give this light to his better character, from an observation of the late King, then Prince. Returning from hunting, he espied a coach attended with a goodly troop of horsemen, who it seems were gathered together to wait upon the Chancellor to his house at Gorhambury, at the time of his declension. At which the Prince smiled: 'Well, do we what we can,' said he, 'this man scorns to go out like a snuff.' Commending his undaunted spirit and excellent parts; not without some regret that such a man should be falling off."[1]

The circumstances seem to suit this time better than any other. It was a short vacation after a busy term. A few days at his country-house in the beginning of April would do him good. He was still "the Chancellor:" and certainly it was "the time of his declension," and "falling off." He was accused, but not yet convicted. His retinue had not yet been dismissed. And at such a time his friends of the better sort would naturally gather about him for the very purpose of making the kind of demonstration which suggested the Prince's remark.

But though his servants and retainers still wore their liveries and rode their horses, and his friends mustered perhaps in greater force than usual, it was in no spirit of scorn or bravado that he was

[1] Secret history of the Court of James I. Vol. ii. p. 267.

himself preparing to meet the fate which too surely awaited him. A better idea of the state of his mind will be formed from the two papers which follow, and which both belong to this interval.

On the 10th of April he made his will:—a will drawn up apparently in haste, with the brevity and simplicity of one who thought that he was taking leave of the world, and could not afford to waste words in long leave taking.

THE LAST WILL AND TESTAMENT OF SIR FR. BACON, VISCT. OF ST. ALBAN'S, LORD CHANCELLOR OF ENGLAND.[1]

I bequeath my soul to God above, by the oblation of my Saviour.

My body to be buried obscurely.

My name to the next ages, and to foreign nations.

My compositions unpublished, or the fragments of them, I require my servant Harris to deliver to my brother Constable, to the end that if any of these be fit in his judgment to be published, he may accordingly dispose of them. And in particular I wish the Elogium I wrote *In felicem memoriam Reginæ Elizabethæ* may be published. And to my brother Constable I give all my books: and to my servant Harris for this his service and care 50 pieces in gold, pursed up.

To my wife, a box of rings; save the great diamond I would have restored to Sir George Reynell.

To the Prince, the golden screen which I provided for the Queen his mother.

To the Spanish Ambassador, the picture of Indian feathers, in the frame of gold.

To my L. Cavendish the casting bottle of gold.

To Sir Edw. Sackville, the ring with the crushed diamond, which the Prince gave me.

To Mr. John Finch, the lease of my lodgings at Gray's Inn.

All my lands, tenements, and hereditaments, leases, goods and chattels, and the use and trust of them wheresoever and of what nature soever, I give and bequeath to my executors for the payment of my debts by their discretion, and the surplusage of the the value of them to be disposed as followeth.

[1] Additional MSS. 4259, f. 111. Copy in the hand of John Locker. No reference to the MS. from which it is copied.

To my servant, Mr. Thomas Mewtys, 500*l.*

To such other of my servants as I shall declare by writing or word before witnesses, 800*l.*

The rest *in pios usus* to be distributed at the discretion of my executors.

I constitute my executors Mr. Thos. Crew, Mr. Thos. Hedley, Mr. John Finch, Mr. John Young my servant, and Mr. William Hatcher my servant; and I desire my executors to make the first offer of the reversion of Gorhambury and Verulam after my wife's decease, to the Prince's Highness; because they being things of pleasure and not far from Barkhamstead, it may be his Highness may take a like to deal for them.

My executors to have legacies in plate of 30*l.* a piece.

Justice Hutton to be the supervisor, to whom I give the triangle salt of gold.

FR. ST. ALBAN, Canc.

10 April, 1621.

Having thus disposed of his earthly affairs, he retired within himself, and still "thinking of his account and answer in a higher Court," made his silent appeal from earth to heaven—from those with whom explanation was hopeless to Him before whom concealment was impossible. That "prayer or psalm" which was found afterwards among his papers, and which Addison quoted as resembling the devotion of an angel rather than a man, was composed, certainly before the 18th April,[1] and most probably at this very time.

A PRAYER, or PSALM.[2]

Most gracious Lord God, my merciful Father, from my youth up, my Creator, my Redeemer, my Comforter. Thou (O Lord) soundest and searchest the depths and secrets of all hearts: thou knowledgest the upright of heart, thou judgest the hypocrite, thou ponderest men's thoughts and doings as in a balance, thou measurest their intentions as with a line, vanity and crooked ways cannot be hid from thee.

Remember (O Lord) how thy servant hath walked before thee: remember what I have first sought, and what hath been principal

[1] See a letter from Chamberlain to Carleton of that date.

[2] Birch MSS. 4263, f. 110. Copy in contemporary hand.

in mine intentions. I have loved thy assemblies, I have mourned for the divisions of thy Church, I have delighted in the brightness of thy sanctuary. This vine which thy right hand hath planted in this nation, I have ever prayed unto thee that it might have the first and the latter rain; and that it might stretch her branches to the seas and to the floods. The state and bread of the poor and oppressed have been precious in mine eyes: I have hated all cruelty and hardness of heart: I have (though in a despised weed) procured the good of all men. If any have been mine enemies, I thought not of them; neither hath the sun almost set upon my displeasure; but I have been as a dove, free from superfluity of maliciousness. Thy creatures have been my books, but thy Scriptures much more. I have sought thee in the courts, fields, and gardens, but I have found thee in thy temples.

Thousand have been my sins, and ten thousand my transgressions; but thy sanctifications have remained with me, and my heart, through thy grace, hath been an unquenched coal upon thy altar. O Lord, my strength, I have since my youth met with thee in all my ways, by thy fatherly compassions, by thy comfortable chastisements, and by thy most visible providence. As thy favours have increased upon me, so have thy corrections; so as thou hast been alway near me, O Lord; and ever as my worldly blessings were exalted, so secret darts from thee have pierced me; and when I have ascended before men, I have descended in humiliation before thee.

And now when I thought most of peace and honour, thy hand is heavy upon me, and hath humbled me, according to thy former loving-kindness, keeping me still in thy fatherly school, not as a bastard, but as a child. Just are thy judgments upon me for my sins, which are more in number than the sands of the sea, but have no proportion to thy mercies; for what are the sands of the sea, to the sea, earth, heavens? and all these are nothing to thy mercies.

Besides my innumerable sins, I confess before thee, that I am debtor to thee for the gracious talent of thy gifts and graces, which I have neither put into a napkin, nor put it (as I ought) to exchangers, where it might have made best profit; but misspent it in things for which I was least fit; so as I may truly say, my soul hath been a stranger in the course of my

pilgrimage. Be merciful into me (O Lord) for my Saviour's sake, and receive me into thy bosom, or guide me in thy ways.

This I take to be better evidence of the state of his mind at this crisis than the reports from Paul's walk, the speculations of courtiers, or the anecdotes of the next generation.

7.

But the day passed over. He was not to die yet: and it was necessary to think of his account and answer in the inferior Court by which he was to be judged on earth. Not yet knowing what he was to be charged with, he could not yet decide what course to take. But the examinations of the witnesses against him having for the last few days been taken "in open court," I presume that he knew the substance of their evidence, so far. What more the Committees that were at work during the recess would have to report to the House at its next meeting, he could not know: and till he did, he could only prepare himself and wait. But he knew enough to see that there was no hope of acquittal. Even if he had been charged with nothing for which he could not offer a justification really satisfactory to himself—even if he had done nothing which at the time he did it he knew or believed to be censurable—how could he hope to satisfy his judges? In a case which was to be tried by a court of popular opinion—and the House of Lords in those days was no better—in a season of passionate political excitement, when the very ideas of public morality were in a state of revolution, and when, as commonly happens, those who are in most danger to be suspected of the crime, join loudest in the hue and cry—to have had the evidence on the accusing part lying for weeks before the world—undisputed, unexamined, unexplained—for all men to talk of and form their impressions upon, was a disadvantage too heavy for any defence to overcome, even if the case had been in itself sound and clear. But Bacon's case was not so. He found when he came to examine it that he was to be accused of some things which he could neither deny nor honestly attempt to justify. The sentence therefore was certain to go against him; and the question was, what penalties the offence entailed, and what course was most likely to dispose the judges to be lenient.

He reviewed the records of cases bearing analogy to his own, especially with reference to the judgments passed: and the rough draft of certain notes upon them (which look very like notes for

an argument in defence), written in Meautys's hand, was found among his papers.

NOTES UPON MICHAEL DE LA POLE'S CASE.[1]

10 *Rich.* 2.

The offences were of three natures:

1. Deceits to the King.

2. Misgovernance in point of estate, whereby the ordinances made by the ten commissioners for reformation of the state were frustrated, and the city of Gaunt in foreign parts lost.

3. And his setting the seal to pardons for murders, and other enormous offences.

The judgment was Imprisonment, Fine and Ransom, and Restitution to the King, but no disablement, nor making him uncapable, no degrading in honour mentioned in the judgment.[2] But contrariwise, in the clause that restitution should be made and levied out of his lands and goods, it is expressly saved, that because his honour of Earl was not taken from him, therefore his 20*l. per annum* creation money should not be meddled with.

OBSERVATIONS UPON THORPE'S CASE.

24 *Edw.* 3.

His offence was taking of money from five several persons that were felons, for staying their process of exigent; so that it made him a kind of accessory of felony, and touched upon matter capital.

The judgment was the judgment of felony: but the proceeding had many things strange and new;

First, the proceeding was by commission of *oyer* and *terminer*, and by jury; and not by Parliament.

The judgment is recited to be given in the King's high and sovereign power.

It is recited likewise, That the King, when he made him Chief Justice, and increased his wages, did *ore tenus* say to him, in the presence of his Council, that now if he bribed

[1] Gibson Papers, vol. viii. f. 259. Draught in Meautys's hand; no docket nor anything else explanatory.

[2] First written "but no loss of Office or Place mentioned in the judgment, no degrading in Honour."

he would hang him: unto which penance (for so the record called it) he submitted himself. So it was a judgment by a contract.

His oath likewise, which was devised some few years before, which is very strict in words (that he shall take no reward, neither before nor after), is chiefly insisted upon. And that which is more to be observed, there is a precise proviso, That the judgment and proceeding shall not be drawn into example against any, and specially not against any who have not taken the like oath. Which the Lord Chancellor, Lord Treasurer, Master of the Wards, etc. take not; but only the Judges of both benches, and Barons of the Exchequer.

The King pardoned him presently after; doubting as it seems that the judgment was erroneous both in matter and form of proceeding; brought it before the Lords of Parliament, who affirmed the judgment, and gave authority to the King in the like cases for the time to come to call to him what Lords it pleased him and to adjudge them.

NOTES UPON SIR JOHN LEE'S CASE, STEWARD OF THE KING'S HOUSE.

44 Edw. 3.

His offences were great oppressions, in usurpation of authority, in attaching and imprisoning in the Tower, and other prisons, numbers of the King's subjects, for causes no ways appertaining to his jurisdiction; and for discharging an appellant of felony without warrant. And for deceit of the King. And extortions.

His judgment was only imprisonment in the Tower, until he had made Fine and Ransom at the King's will; and no more.

NOTES UPON LORD LATIMER'S CASE.

50 *Edw.* 3.

His offences were very high and hainous, drawing upon high treason: as the extortious taking of victuals in Bretagne, to a great value, without paying anything; and for ransoming divers parishes there to the sum of 83,000*l.* contrary to the articles of truce proclaimed by the King:

For suffering his deputies and lieutenants in Bretagne to exact upon the towns and countries there divers sums of money, to the sum of 150,000 crowns.

For sharing with Rich. Lyons in his deceits of the King.

For enlarging, by his own authority, divers spies and felons; and divers other exorbitant offences.

Notwithstanding all this, his judgment was only to be committed to the Marshalsea, and to make Fine and Ransom at the King's will.

But after, at the suit of the Commons, in regard of those horrible and treasonable offences, he was displaced from his offices, and disabled to be of the King's council; but his honours not touched. And he was presently bailed by some of the Lords, and suffered to go at large.

JOHN LO. NEVILLE'S CASE.

50 *Edw.* 3.

His offences were, The not supplying the full number of the soldiers in Bretagne, according to the allowance of the King's pay. And the second was for buying certain debts, due from the King, to his own lucre, and giving the parties small recompence; and specially in a case of the lady Ravensholme.

And it was prayed by the Commons that he might be put out of office about the King. But there was no judgment given upon that prayer, but only of restitution to the lady, and a general clause of being punished according to his demerits.

Among these cases that of Sir William Thorpe seems to be most in point. But he was Lord Chief Justice, and I have already pointed out the difference which the law had left between a Justice and a Chancellor in the matter of receiving gifts. It had bound the one, but not the other, by a carefully worded oath, to take none. That the distinction was a material one in the eyes of a lawyer, I infer from Coke's commentary upon Fortescue's definition of Bribery (which he takes for his text), the most material words of which he represents as "warranted"—not by any act of Parliament or judicial decision or received doctrine of common law—but "by the oath": and from his remark that Bribery, though only a misprision, is "a *great* misprision: for that it is ever accompanied with perjury."[1] Even if the difference came by accident and oversight, a court of law was not

[1] Inst. part 3, ch. 68.

competent to remove it, and was bound to take it into account while it remained. But if the judgment in Thorpe's case was guarded with a special proviso that it should "not be drawn into example against any that had not taken the like oath," the difference could no longer be regarded as an oversight; being then deliberately recognized and allowed, and not removed by any amendment after. And if Bacon had thought it right to defend himself, it is easy to see how strong an argument in his own favour he might have extracted out of that precedent.

But before he decided what to do he desired to see and speak with the King: who after some hesitation, and consultation with those of his Council who were members of the Upper House, consented to admit him to a private interview the day before the Houses met again. Of the substance of what passed at this interview, which has been much misunderstood, and is important, we are fortunate in having unusually good means of judging,—Bacon's own notes of what he intended to say; the Lord Treasurer's report to the Lords of what he *did* say—which was of course the King's report; and a letter from Bacon to the King, written a few days after, reminding him of what he *had* said: which being all quite consistent with each other, it is not necessary to resort on this occasion to the reminiscences of Thomas Bushel, writing at 58 of things which happened when he was 18, and which then he could only have known by report. I have already disposed of them more conveniently by referring them to a similar occasion which had happened some weeks before[1]—a mistake easily made at that distance. But at any rate there is no room for them here: for they do not fit with what we know on better authority.

Of Bacon's notes of what he meant to say, two versions were found among his papers—of which I place first that which seems to have been first written.

[NOTE PREPARED FOR AN INTERVIEW WITH THE KING.][2]

There be three degrees or cases of bribery charged or supposed in a judge:

1. The first, of bargain or contract for reward to pervert justice, *pendente lite*.

2. The second, where the Judge conceives the cause to be at an end by the information of the party, or otherwise, and useth not such diligence as he ought to inquire of it.

[1] Above, p. 199.

[2] Gibson Papers, vol. viii. f. 146. Draft in Meautys's hand, probably written to dictation.

3. And the third, when the cause is really ended, and it is *sine fraude* without relation to any precedent promise.

Now if I might see the particulars of my charge, I should deal plainly with your Majesty, in whether of these degrees every particular case falls.

But for the first of them, I take myself to be as innocent as any born upon St. Innocents day, in my heart.[1]

For the second, I doubt in some particulars I may be faulty.

And for the last, I conceived it to be no fault, but therein I desire to be better informed, that I may be twice penitent, once for the fact, and again for the error. For I had rather be a briber, than a defender of bribes.

I must likewise confess to your Majesty that at new-years tides and likewise at my first coming in (which was as it were my wedding), I did not so precisely as perhaps I ought examine whether those that presented me had causes before me, yea or no.

And this is simply all that I can say for the present concerning my charge, until I may receive it more particularly. And all this while, I do not fly to that, as to say, that these things are *vitia temporis*, and not *vitia hominis*.

For my fortune, *summa summarum* with me is, that I may not be made altogether unprofitable to do your Majesty service or honour. If your Majesty continue me as I am, I hope I shall be a new man, and shall reform things out of feeling, more than another can do out of example. If I cast part of my burden, I shall be more strong and *delivré* to bear the rest. And, to tell your Majesty what my thoughts run upon, I think of writing a story of England, and of re-compiling of your laws into a better digest.

But to conclude, I most humbly pray your Majesty's direction and advice. For as your Majesty hath used to give me the attribute of care of your business, so I must now cast the care of myself upon God and you.

The other sheet of notes I take to be the *beginning* of an improved version of these, but not carried beyond the four opening

[1] The following sentence is crossed out "And yet perhaps in some two or three of them the proofs may stand pregnant to the contrary."

paragraphs: for which it may be considered as a substitution; the remainder of the last paper (from "Now if I might see") being to be added to make it complete.

MEMORANDA OF WHAT THE LORD CHANCELLOR INTENDED TO DELIVER TO THE KING, APRIL 16, 1621, UPON HIS FIRST ACCESS TO HIS MAJESTY AFTER HIS TROUBLES.[1]

That howsoever it goeth with me, I think myself infinitely bound to his Majesty for admitting me to touch the hem of his garment. And that, according to my faith, so be it unto me.

That I ought also humbly to thank his Majesty for that, in that excellent speech of his which is printed, that speech of so great maturity, wherein the elements are so well mingled, by kindling of affection, by washing away aspersion, by establishing of opinion, and yet giving way to opinion, I do find some passages which I construe to my advantage.

And lastly, I have heard from my friends that notwithstanding these waves of information, his Majesty mentions my name with grace and favour.

In next place, I am to make an oblation of myself into his Majesty's hands: That as I wrote to him, I am as *clay in his hands*, his Majesty may make a vessel of honour or dishonour of me, as I find favour in his eyes, and that I submit myself wholly to his grace and mercy, and to be governed both in my cause and fortunes by his direction: knowing that his heart is inscrutable for good. Only I may express myself thus far, That my desire is that the thread or line of my life may be no longer than the thread or line of my service: I mean that I may be of use to your Majesty in one kind or another.

Now for any further speech, I would humbly pray his Majesty, that whatsoever the law of nature shall teach me to speak for my own preservation, your Majesty will understand it to be in such sort as I do nevertheless depend wholly upon your will and pleasure. And under this submission, if your Majesty will graciously give me the hearing, I will open my heart unto you, both touching my fault, and fortune.

[1] Gibson Papers, vol. viii. f. 146. Draught in Meautys's hand. Docketed, "April 16, 1621. Memo. Rex. Upon my Lord's first access to the King after his troubles."

For the former of these, I shall deal ingenuously with your Majesty, without seeking fig-leaves or subterfuges.

There be three degrees or cases (as I conceive) of gifts and rewards given to a Judge:

The first is, Of bargain, contract, or promise of reward, *pendente lite*. And this is properly called *venalis sententia*, or *baratria*, or *corruptelæ munerum*. And of this my heart tells me I am innocent; that I had no bribe or reward in my eye or thought, when I pronounced any sentence or order.

The second is, A neglect in the Judge to inform himself whether the cause be fully at an end or no, what time he receives the gift; but takes it upon the credit of the party, that all is done; or otherwise omits to enquire.

And the third is, when it is received *sine fraude*, after the cause ended; which, it seems by the opinion of the civilians, is no offence. Look into the case of simony, etc.

Of this interview and the result of it the Lords were duly informed the next day by the Lord Treasurer: from whose report we learn very distinctly the position taken both by Bacon and the King in the matter, at this stage of the proceeding.

The Lord Treasurer signified, that in the interim of this cessation, the Lord Chancellor was an humble suitor unto his Majesty, that he might see his Majesty and speak with him; and although his Majesty, in respect of the Lord Chancellor's person, and of the place he holds, might have given his Lordship that favour, yet, for that his Lordship is under the trial of this House, his Majesty would not on the sudden grant it.

That, on Sunday last, the King calling all the Lords of this House which were of his Council before him, it pleased his Majesty to shew their Lordships what was desired by the Lord Chancellor, demanding their Lordships advice therein.

The Lords did not presume to advise his Majesty; for that his Majesty did suddenly propound such a course as all the world could not advise a better; which was, that his Majesty would speak with him privately.

That yesterday, his Majesty admitting the Lord Chancellor to his presence, his Lordship desired that he might have a particular of those matters wherewith he is charged before the Lords of this House; for that it was not possible for him, who past so many orders and decrees in a year; to remember all things that fell out in them; and that, this being granted, his Lordship would desire two requests of his Majesty. 1. That, where his answers should be fair and clear to those things objected against him, his Lordship might stand upon his innocency. 2. Where his answer should not be so fair and clear, there his Lordship might be admitted to

the extenuation of the charge; and where the proofs were full, and undeniable, his Lordship would ingenuously confess them, and put himself upon the mercy of the Lords.

Unto all which his Majesty's answer was, he referred him to the Lords of this house, and thereof his Majesty willed his Lordship to make report to their Lordships.[1]

Bacon therefore not yet knowing the depth and extent of the charge, but knowing that there were some things in it which he could not clearly justify, wished the proceeding to be so arranged that he might defend himself where he believed that he was not guilty; explain himself where he believed that he was not so guilty as the charge implied; and where he could not either deny or extenuate the offence, plead guilty and submit. The King, on his part, simply declined to interfere, even by the expression of an opinion or a wish, with the action of the House of Lords.

The notice they took of the communication was merely a message of thanks to the King for his favour; the swearing of seventeen more witnesses *in causâ domini Cancellarii*, and an order to their Committees to "prepare the examinations against" him, and make their report the next morning; "to the end their Lordships may give the Lord Chancellor such particulars of his charge as their Lordships shall judge fit." The next day (April 19) the Committees made their several reports accordingly. The examinations (amounting to thirty or forty) were read: and because "these examinations were taken by three several Committees, and some were taken here in the House, and the examinations of the one spoke of some of the same things taken by the other, it was agreed that the three Committees should meet together (attended by the King's Counsel) to make one brief of all these examinations:" also that they were in the meantime to "continue to receive complaints and take examinations in the same cause." After which the House was adjourned to the 24th.

8.

When he knew what had passed on the 19th, Bacon gave up all thought of standing upon his defence. The articles were too many, and the mind of the House too manifestly made up. The best he could hope was to avoid a formal sentence by a confession and submission. On the 20th, in a letter of thanks to the King for having admitted him to an interview, he still speaks of waiting to hear his charge before he answers particulars, and then of answering with

[1] Lords' Journals, 17 Ap. p. 75.

the same distinctions which he had already indicated: in some things justifying, in others extenuating, in the rest confessing. But upon further consideration he seems to have conceived a hope that a general confession and submission, without waiting for the charge and therefore without entering into the particulars, might be accepted as sufficient; and that means might be found to persuade the Lords (the precedents of such cases being few and loose and without any settled rules of proceeding) to be content with his resignation of the seal, and so to let the matter end. In that hope he took advantage of the short adjournment to appeal to the King for help, and to draw up his letter of submission to the Lords: with what result we shall see.

The three following letters require no further explanation.

To the King.[1]

It may please your most excellent Majesty,

I think myself infinitely bounden to your Majesty, for vouchsafing me access to your Royal Person, and to touch the hem of your garment. I see your Majesty imitateth him that would not break the broken reed, nor quench the smoking flax; and as your Majesty imitateth Christ, so I hope assuredly my Lords of the Upper House will imitate you: and unto your Majesty's grace and mercy, and next to my Lords, I recommend myself. It is not possible, nor it were not safe, for me to answer particulars till I have my charge; which when I shall receive, I shall without fig-leaves or disguise excuse what I can excuse, extenuate what I can extenuate, and ingenuously confess what I can neither clear nor extenuate. And if there be any thing which I mought conceive to be no offence, and yet is, I desire to be informed, that I may be twice penitent, once for my fault, and the second time for my error. And so submitting all that I am to your Majesty's grace, I rest——

20 April, 1621.

To the King's Most Excellent Majesty.[2]

It may please your Majesty,

It hath pleased God for these three days past, to visit me with such extremity of head-ach, upon the hinder part of my

[1] Stephens's second collection p. 138. From the Register.

[2] Tanner MSS. 73 (i.) f. 3. Original. Stephens's copy (which is from the Register, and differs otherwise very little from this) is dated 2 May 1621: a conjectural date inserted afterwards, I fancy, by some one who supposed that it must have been written the day before the sentence was pronounced.

head, fixed in one place, that I thought verily it had been some imposthumation. And then the little physic that I have told me, that either it must grow to a congelation, and so to a lethargy, or to break, and so to a mortal fever or sudden death. Which apprehension (and chiefly the anguish of the pain) made me unable to think of any business. But now that the pain itself is assuaged to be tolerable, I resume the care of my business, and therein prostrate myself again, by my letter, at your Majesty's feet.

Your Majesty can bear me witness, that at my last so comfortable access I did not so much as move your Majesty, by your absolute power of pardon or otherwise, to take my cause into your hands and to interpose between the sentence of the House; and according to mine own desire your Majesty left it to the sentence of the House, and so was reported by my Lord Treasurer.

But now if not *per omnipotentiam* (as the divines speak) but *per potestatem suaviter disponentem*, your Majesty will graciously save me from a sentence with the good liking of the House, and that cup may pass from me; it is the utmost of my desires.

This I move with the more belief, because I assure myself that if it be reformation that is sought, the very taking away the seal, upon my general submission, will be as much in example for these four hundred years, as any furder severity.

The means of this I most humbly leave unto your Majesty. But surely I conceive, that your Majesty opening yourself in this kind to the Lords Counsellors, and a motion from the Prince after my submission, and my Lord Marquis using his interest with his friends in the House, may effect the sparing of a sentence; I making my humble suit to the House for that purpose, joined with the delivery of the seal into your Majesty's hands.

This is the last suit I shall make to your Majesty in this business, prostrating myself at your mercy-seat, after fifteen years' service, wherein I have served your Majesty in my poor endeavours with an entire heart, and as I presumed to say unto your Majesty, am still a virgin for matters that concern your person or crown; and now only craving that after eight steps of honour I be not precipitated altogether.

But because he that hath taken bribes is apt to give bribes, I

will go furder, and present your Majesty with a bribe. For if your Majesty give me peace and leisure, and God give me life, I will present your Majesty with a good history of England, and a better digest of your laws. And so concluding with my prayers, I rest

Your Majesty's afflicted,
but ever devoted servant,
FR. ST. ALBAN, Canc.

21 April, 1621.

TO THE RIGHT HONOURABLE THE LORDS OF THE PARLIAMENT, IN THE UPPER HOUSE ASSEMBLED.

The humble submission and supplication of the Lord Chancellor.[1]

It may please your Lordships, I shall humbly crave at your Lordships' hands a benign interpretation of that which I shall now write. For words that come from wasted spirits and an oppressed mind are more safe in being deposited in a noble construction, than in being circled with any reserved caution.

This being moved, and as I hope obtained, in the nature of a protection to all that I shall say, I shall now make into the rest of that wherewith I shall at this time trouble your Lordships, a very strange entrance. For in the midst of a state of as great affliction as I think a mortal man can endure (honour being above life), I shall begin with the professing of gladness in some things.

The first is, that hereafter the greatness of a judge or magistrate shall be no sanctuary or protection of guiltiness; which, in few words, is the beginning of a golden world.

The next, that after this example, it is like that judges will fly from any thing that is in the likeness of corruption (though it were at a great distance), as from a serpent; which tendeth to the purging of the courts of justice, and the reducing them to their true honour and splendour.

And in these two points God is my witness that, though it be my fortune to be the anvil whereupon these good effects are beaten and wrought, I take no small comfort.

[1] Journals of the House of Lords, vol. iii, p. 84.

But to pass from the motions of my heart, whereof God is only judge, to the merits of my cause, whereof your Lordships are judges, under God and his lieutenant; I do understand there hath been heretofore expected from me, some justification; and therefore I have chosen one only justification instead of all other, out of the justifications of Job. For after the clear submission and confession which I shall now make unto your Lordships, I hope I may say and justify with Job in these words: *I have not hid my sin as did Adam, nor concealed my faults in my bosom.* This is the only justification which I will use.

It resteth therefore that, without fig-leaves, I do ingenuously confess and acknowledge, that having understood the particulars of the charge, not formally from the House, but enough to inform my conscience and memory, I find matter sufficient and full, both to move me to desert the defence, and to move your Lordships to condemn and censure me.

Neither will I trouble your Lordships by singling those particulars, which I think may fall off.

Quid te exempta juvat spinis de pluribus una?

Neither will I prompt your Lordships to observe upon the proofs, where they come not home, or the scruples touching the credits of the witnesses. Neither will I represent unto your Lordships, how far a defence might in divers things extenuate the offence, in respect of the time or manner of the gift, or the like circumstances, but only leave these things to spring out of your own noble thoughts, and observations of the evidence and examinations themselves; and charitably to wind about the particulars of the charge here and there, as God shall put into your mind; and so submit myself wholly to your piety and grace.

And now that I have spoken to your Lordships as Judges, I shall say a few words to you as Peers and Prelates, humbly commending my cause to your noble minds and magnanimous affections.

Your Lordships are not simple Judges, but Parliamentary Judges; you have a further extent of arbitrary power than other courts; and if your Lordships be not tied by the ordinary course of courts or precedents in points of strictness and severity, much more in points of mercy and mitigation.

And yet if any thing I shall move might be contrary to your

honourable and worthy ends to introduce a reformation, I should not seek it. But herein I beseech your Lordships to give me leave to tell you a story. Titus Manlius took his son's life for giving battle against the prohibition of his general: not many years after, the like severity was pursued by Papirius Cursor, the Dictator, against Quintus Maximus, who being upon the point to be sentenced, by the intercession of some principal persons of the senate was spared; whereupon Livy maketh this grave and gracious observation. *Neque minus firmata est disciplina militaris periculo Quinti Maximi, quam miserabili supplicio Titi Manlii.* The discipline of war was no less established by the questioning of Quintus Maximus, than by the punishment of Titus Manlius. And the same reason is of the reformation of justice; for the questioning of men of eminent place hath the same terror, though not the same rigor, with the punishment.

But my case standeth not there. For my humble desire is, that his Majesty would take the seal into his hands, which is a great downfall, and may serve I hope in itself for an expiation of my faults.

Therefore, if mercy and mitigation be in your power, and do no ways cross your ends, why should I not hope of your Lordships' favour and commiseration?

Your Lordships will be pleased to behold your chief pattern, the King our Sovereign, a King of incomparable clemency, and whose heart is inscrutable for wisdom and goodness. Your Lordships will remember, that there sat not these hundred years before a Prince in your house, and never such a Prince, whose presence deserveth to be made memorable by records and acts mixed of mercy and justice. Yourselves are either nobles, (and compassion ever beateth in the veins of noble blood,) or reverend prelates, who are the servants of him that would not break the bruised reed nor quench the smoking flax. You all sit upon one high stage, and therefore cannot but be more sensible of the changes of the world, and of the fall of any of high place.

Neither will your Lordships forget that there are *vitia temporis* as well as *vitia hominis*, and that the beginning of reformations hath the contrary power of the pool of Bethesda, for that had strength to cure only him that was first cast in, and this hath commonly strength to hurt him only that is first cast in. And for my part, I wish it may stay there, and go no further.

Lastly, I assure myself, your Lordships have a noble feeling of me, as a member of your own body, and one that in this very session had some taste of your loving affections; which I hope was not a lightning before the death of them, but rather a spark of that grace which now in the conclusion will more appear.

And therefore my humble suit to your Lordships is, that my penitent submission may be my sentence, and the loss of the seal my punishment; and that your Lordships will spare any further sentence, but recommend me to his Majesty's grace and pardon for all that is past. God's holy Spirit be amongst you.

Your Lordships' humble
servant and suppliant,
Fr. St. Alban, Canc.

April 22, 1621.

9.

If it had been possible to settle the matter in this way, a fairer and juster impression of the merits of the case would have been left in the popular mind than could have been made by any other course, short of a full trial in open court, with distinct discussion of every charge: which discussion could not have been complete without opportunity given to the defendant "to except to the witnesses brought against him; to move questions for their cross-examination; and to produce his own witnesses for discovery of the truth."[1] I do not doubt that the several Committees had done their best to cross-examine and test the witnesses; but what could their best be worth without the help of suggestions from the party accused? One Committee consisted of the Earl of Arundel, the Bishop of Durham, Lord Sheffield, and Lord Hunsdon. Another of the Earl of Huntingdon, the Bishop of Winchester, Lord Wentworth, and Lord Houghton; the third of the Earl of Southampton, the Bishop of Coventry and Lichfield, Lord Spencer, and Lord Saye and Seal. All worthy men, for anything I know to the contrary, and fairly chosen as having no personal interest in the parties or the cause. I dare say they would have made very good juries,—possibly very good judges,—in a case properly set forth before them. But the proper setting forth of a case implies the hearing of both sides; and they had no opportunity of hearing more than one. For even

[1] See Bacon's first letter to the Lords, March 19.

if they had sagacity enough to cross-examine the several deponents judiciously, they could not have the information necessary to guide the cross-examination. The depositions may have contained statements which, though not improbable in themselves, were incompatible with other provable facts; known to the party accused, but not possible to be known to them without his prompting. The unsatisfactory part of the arrangement was that these Committees of four, when they had heard the case for the prosecution (which was in fact all they did), became of necessity (without hearing any more) judges of the whole case. For though the decision rested formally in the vote of the whole House, what could the whole House do with the forty or fifty depositions which they heard read out by the Clerk, but accept them on the authority of those Committees without further question? It would be hardly fair perhaps to compare it with a modern trial in which the jury should give their verdict after hearing only the examination in chief of the witnesses for the prosecution; for in that case the witnesses would be partially selected and the questions carefully contrived to support the case. But every man's experience of the difference in the aspect of a witness's evidence before cross-examination and after, will enable him to understand how unsatisfactory such a process was for the discovery of the truth in such a question. To make their reports of any value, every one of these Committees of four ought to have contained at least one member in communication with Bacon and watching the evidence on his behalf. One instance we happen to know of, though only by accident, where the evidence of a witness in a case closely connected with Bacon's and resembling it in all material points, was found by the Committee itself to be so modified when he came to be examined on his oath, that upon their report the House forbore to pass sentence. Randolph Davenport, one of Bacon's servants,—whose evidence against the Bishop of Landaff, as reported from the Commons, *seems* as precise, as circumstantial, and as conclusive as any of the evidence against Bacon himself,[1]—being examined on oath by the Lords, "did not affirm the same which he had delivered unto the Commons (*as is supposed*)." "The proofs" of the matter "complained of by the Commons to the House" were found to be "small; nothing but an intent (at the most) being proved." So they agreed, instead of passing sentence, to refer the case to the Archbishop of Canterbury; by whom the impugned Bishop was to be admonished before the Bishops and Clergy in the Convocation House; the following message being at the same time sent to the House of Commons by way of excuse.

[1] See above, p. 222.

"Whereas the House of Commons informed this House of a great misdemeanour committed by Dr. Feild (now Bishop of Landaph), and since also hath sent to demand judgment in that cause; The Lords, having taken full examination thereof upon oath, *find not the same proved upon oath as it seems was informed them upon examination in their House;* and for the further satisfaction of the Commons therein, the Lords have sent them the examination of Randolfe Davenport."

To which answer was presently brought by the messengers:

"The Commons return great thanks for the Lords' honourable and just proceeding in the cause of the Lord Bishop of Landaph, and for sending the examination of Davenport; by which it doth appear that *his examination taken by them doth differ much from that taken upon his oath before their Lordships.*"

The result was that the Bishop was not only let off with an admonition, but allowed to take his place as usual in the House without waiting till he had received it.[1]

Such things therefore *might* happen. Information sent up from the House of Commons *might* be erroneous in material points, and why not in the evidence against Bacon as well as against Dr. Feild? It may be said indeed that in that case the Lords would have found it out, as we see they did in this. But that does not follow. They had facilities in the one case which were wanting in the other. The Bishop was in the House when the report of the accusation by the Commons was brought up, and replied to it at once. This would of itself enlighten the Committee as to the questions to be asked. He was in continual attendance in the House, and had means of communication with members of the Committee from time to time. He was a Bishop, and there was no one in that house who thought it virtuous to disgrace a Bishop. In all which respects Bacon's case was quite different.

But though I do not doubt that if Bacon's cause had been properly discussed, it would have presented a very different aspect, yet considering all the conditions—among which the condition of his own health and spirits was not the least important—I dare say he took the wisest course. If the Lords could have been as gently disposed towards him as they were towards the Bishop, they might have found it in their consciences to dismiss him, with the loss of the Seal, to be admonished by the King. And though there was not much hope of that, there was perhaps as little hope of any alteration in their judgment to be made now even by the most skilful defence; the case being one which did not admit of defence clear

[1] Lords' Journals, May 30, 1621, p. 144.

and absolute, and which they had been all thinking and talking about for the last month under a full impression that it admitted of no defence at all: an impression which only a high degree of trained and practised judicial impartiality can dismiss or suspend in order to reconsider. It was the first case also of its kind, and had come before them when the appetite was fresh and keen. The Bishop's censure came on a month later; when both Houses were tolerably well satisfied with slaughter, when the Lords had established their credit with the Commons as a Court of Judicature by a readiness to condemn, with or without reason, whomsoever they accused; and when other matters were beginning to occupy their attention.

On the 24th of April, as soon as the Lords were ready to hear the report of the Committees prepared according to the last instructions, the Prince rose and said that the L. Chancellor had sent him his submission; and therewith delivered his letter; which was immediately read, first by the clerk and then by the Lord Chief Justice. After which there was a pause. "No Lord spoke to it after it was read for a long time." "The question is," said the Lord Chamberlain at last (who seems to have acted as leader of the government party), "whether this submission be sufficient to ground your Lordships' judgment for a censure, without further examination;" and thereupon the House resolved itself into a Committee of the whole to consider it. The first thing was to have the charge,—that is "the collection of the corruptions wherewith the Lord Chancellor was charged," now amounting to twenty-three—read out; and then the confession. Elsing's notes of the debate which followed give us some light as to the views of the different parties. The Prince and Buckingham were evidently for accepting the submission and sparing a formal sentence; but that motion found so little encouragement that it does not appear to have been formally put. Others on the other hand were for ignoring it altogether. "If this submission intend a connivance," said Lord Saye, "it had been well in the beginning, but coming now after the examinations and proofs, it comes too late. Neither is it sufficient to ground our sentence. Moved to proceed." "The confession is not sufficient," said the Earl of Suffolk (who was not sorry perhaps to repay Bacon in kind for his proceedings in the Star Chamber in 1619), "for he desires to be a judge,—to lose his seal, and that to be the sentence: wherefore it is far short of that we expect." But the true objection and the fair and just course was indicated by the Lord Chamberlain and the Earl of Southampton. It was a confession that he had done enough to deserve condemnation and censure, but not that he had done what he was charged with. "It is not suffi-

cient," said the Lord Chamberlain: "for the confession is grounded upon a rumour. . . . .He neither speaks of the particular charge, nor confesseth anything particular." "He is charged by the Commons," said Southampton, "with corruption; and no word of confession of any corruption in his submission. It stands with the justice and honour of this House not to proceed without the parties' particular confession; or to have the parties to hear the charge, and we to hear the parties' answer."

All agreeing that the confession was not full enough, but must refer to the particular charges, the question arose, whether Bacon should be required to attend and hear and answer in person, or should have them sent to him and return his answer in writing. Upon this there was a difference of opinion, and a debate followed which throws some further light upon the personal history of the case. Buckingham, Arundel, the Lord Chamberlain, Southampton, Lenox, the Prince, the Bishop of Durham; all spoke in favour of sending the particulars of the charge to him and expecting his answer by letter: both Buckingham and the Lord Chamberlain advocating it earnestly and eagerly. On the other hand, Huntingdon, Suffolk, Saye, and Wallingford, were all for bringing him to the bar,—Suffolk especially urging it vehemently and repeatedly. On a division, it was carried in favour of what may be called, I suppose, the Court party (for all the Councillors who spoke were in the majority); and agreed that the charge should be *sent* to him.[1]

10.

When the "collection of corruptions" was read to the House that they might compare it with the confession, it had been read together with "the proofs thereof;" meaning the names of the witnesses whose depositions constituted the evidence in each case. It was now sent to Bacon; but "without the proofs," and with the following message:—

"That the Lord Chancellor's confession is not fully set down by his Lordship in the said submission for three causes. 1. His Lordship confesseth not any particular bribe nor corruption. 2. Nor showeth how his Lordship heard of the charge thereof. 3. The confession, such as it is, is afterwards extenuated in the same submission: and therefore the Lords have sent him a particular of the charge, and do expect his answer to the same, with all convenient expedition."[2]

His reply by the messengers was that "he would return the Lords an answer;" which being their own word should have been least

[1] Elsing's notes of the Lords' debates in 1621 (Camd. Soc. 1870) pp. 13–18.
[2] Lords' Journals, 24 April, p. 85.

liable to be misunderstood. But a letter which he wrote at the same time to their Speaker raised a suspicion that his "answer" was to be a defence. The contents of this letter we do not know; for being addressed to the Chief Justice and not to the House, no official notice was taken of it. It seems, however, that it contained something about "postilling the matters of charge in the margent," and something about time to be allowed.[1] I should suppose therefore that its real object was, first to explain the *form* of the answer which he meant to return, and secondly to learn what time would be allowed for drawing it up. Upon this followed a lively debate. Their difficulty apparently was to understand how a confession could require time. The charges were definite. He was either guilty or not guilty. If guilty, let him say so at once, and they were prepared to pronounce judgment. If not, let him come to the Bar and defend himself. That a charge might be true in part and yet require limitations and explanations to make it true altogether, was a point in judicial science beyond their present learning, and remained unintelligible to them all through;—as we shall see. But though the doubt might have been spared, the course they took to settle it was rational. Upon the Prince's motion, seconded by Southampton, it was resolved to ask him the question: did he mean to confess or to defend himself? A message was sent accordingly, requiring an answer "directly and presently." And answer was immediately returned—this time, we are told, "in writing."[2]

"The Lord Chancellor will make no manner of defence to the charge, but meaneth to acknowledge corruption, and to make a particular confession to every point, and after that an humble submission.

But humbly craves liberty, that where the charge is more full than he finds the truth of the fact, he may make declaration of the truth in such particulars; the charge being brief, and containing not all circumstances."[3]

With this at last they seem to have been satisfied, and though Suffolk still insisted that the submission should be made in person, they agreed to give him to the 30th of April (five days) to send in "such confession and submission as he intended to make."

[1] "Agreed, not to be read, but the L. Chief Justice to open the substance thereof.

1. To postill all the matters of charge in the margent in writing. 2. To have Saturday come sennight, for that the same time was given to another." Elsing p. 18.

[2] Elsing, p. 23. [3] Lords' Journals, p. 87.

11.

That the collection of charges sent to him was not accompanied with what they called "the proofs,"—that is, with a note of the names of the witnesses by whose depositions each was said to be proved,—was not material. If he had meant to defend himself, he would have wanted to know not only who they were, but *what* they had deposed. But intending to make a clear confession of the truth as far as he "knew or remembered," it was enough to be informed of the facts which were laid to his charge. What more was contained in those depositions I suppose he never knew, unless by report of those who had been present at the examinations "in open court": and we are still more in the dark than he was; for we know nothing at all about any of them, except the few which were taken at first by the Commons, and sent up by them to the Lords with reports of what they proved,—not always (as we have seen in the case of Dr. Feild) to be borne out by a more stringent examination. As this list contains all the offences of which he was accused, and therefore all to which his confession applies, we must be careful not to suppose that he thereby admitted himself to be guilty of anything beyond what is set down in the record and acknowledged by himself to be true. The absence of all attempt on the part of the Lords either to sift and weigh evidence, or to distinguish cases according to the degree of guilt implied, or to explain how far in each case he was proved to have transgressed the law, or what the law was, and where lay the line which separated what was permitted from what was forbidden,—their course of bundling into one bag charges and depositions of all natures, and calling upon him to confess or answer to the bundle,—makes his own articulate confession upon each separate charge, with its corrections, distinctions and qualifications, the best evidence we have as to the nature and degree of his offences. He had already said that he meant to confess himself guilty of corruption. But corruption includes acts of various complexions—varying from violations of universal morality of the blackest dye to violations only of artificial and conventional regulations, made to defend the outworks of morality—acts illegal rather than immoral: and as the judges neither made any attempt themselves to draw such distinctions, nor placed on record any of the evidence which would enable us to do so, we are compelled to fall back upon Bacon himself, as being really our only authority; and to hold him guilty to the extent of his own confession, and no further. From the manner in which the case was tried it is impossible to regard anything else as proved.

On the 30th of April, the Lord Chief Justice received from him a paper roll, sealed up; which being delivered to the Clerk and opened, was found to be directed to the Lords; and ordered to be read. It was in the following words. The text is taken from the copy printed in the Journal for April 30. The names of the witnesses whose depositions were referred to as proving the several charges, I have inserted in foot-notes from the collection which was read in the House on the 24th of April, and contains probably all that the *House* knew about the matter.[1]

To THE RIGHT HONOURABLE THE LORDS SPIRITUAL AND TEMPORAL, IN THE HIGH COURT OF PARLIAMENT ASSEMBLED.

The Confession and humble Submission of me, the Lord Chancellor.

Upon advised consideration of the charge, descending into my own conscience, and calling my memory to account so far as I am able, I do plainly and ingenuously confess that I am guilty of corruption; and do renounce all defence, and put myself upon the grace and mercy of your Lordships.

The particulars I confess and declare to be as followeth:

1. To the first article of the charge, *videlicet*, In the cause between Sir Rowland Egerton and Edward Egerton, the Lord Chancellor received five hundred pounds on the part of Sir Rowland Egerton, before he decreed the cause:"[2]

I do confess and declare, that upon a reference from his Majesty of all suits and controversies between Sir Rowland Egerton and Edward Egerton, both parties submitted themselves to my award by recognizance reciprocal in ten thousand marks apiece; thereupon, after divers hearings, I made my award, with advice and consent of my Lord Hobart. The award was perfected and published to the parties, which was in February; then some days after, the five hundred pounds mentioned in the charge was delivered unto me.

[1] See Lords' Journals, p. 85.

[2] "Proved by the depositions of Sir Rowland Egerton; of John Brooke, who deposeth to the providing of the money, of purpose to be given to the Lord Chancellor; and that the same is delivered to Mr. Thelwall, to deliver to the Lord Chancellor; of Bevis Thelwall, who delivered the 500*l.* to the Lord Chancellor."

Afterwards Mr. Edward Egerton fled off from the award; then, in Midsummer term following, a suit was begun in Chancery by Sir Rowland to have the award confirmed; and upon that suit was the decree made which is mentioned in the article.

2. To the second article of the charge, *videlicet*, In the same cause he received from Edward Egerton four hundred pounds:[1]

I confess and declare, that soon after my first coming to the Seal (being a time when I was presented by many) the four hundred pounds mentioned in the said charge was delivered unto me in a purse, and I now call to mind, from Mr. Edward Egerton; but, as far as I can remember, it was expressed by them that brought it to be for favours past, and not in respect of favours to come.

3. To the third article of the charge, *videlicet*, In the cause between Hodie and Hodye, he received a dozen of buttons of the value of fifty pounds about a fortnight after the cause was ended:[2]

I confess and declare, that as it is laid in the charge, about a fortnight after the cause was ended (it being a suit of a great inheritance) there were gold buttons about the value of fifty pounds as is mentioned in the charge, presented unto me, as I remember, by Sir Thomas Perient and the party himself.

4. To the fourth article of the charge, *videlicet*, In the cause between the Lady Wharton and the coheirs of Sir Francis Willoughby, he received of the Lady Wharton three hundred and ten pounds:[3]

I confess and declare, that I received of the Lady Wharton, at two several times (as I remember), in gold, two hundred pounds and an hundred pieces; and this was certainly *pendente lite*: but yet I have a vehement suspicion that there was some shuffling between Mr. Shute and the Register in entering some orders, which afterwards I did distaste.

[1] Proved by, etc. Sir Richard Yonge, Knight. Sir George Hastings, Knight. Rolphe Merefeild. Tristram Woodward.

[2] Proved by, etc. Sir Thomas Perient, Knight. John Churchill, who speaks of a greater value by the report of Hody.

[3] Proved by, etc. The Lady Wharton. Richard Keeling. Anthony Gardiner.

5. To the fifth article of the charge, *videlicet*, In Sir Thomas Monk's cause, he received from Sir Thomas Monk, by the hands of Sir Henry Helmes, an hundred and ten pounds; but this was three-quarters of a year after the suit was ended :[1]

I confess it to be true, that I received an hundred pieces; but it was long after the suit ended, as is contained in the charge.

6. To the sixth article of the charge, *videlicet*, In the cause between Sir John Treavor and Ascue, he received on the part of Sir John Treavor an hundred pounds :[2]

I confess and declare, that I received at new year's tide an hundred pounds from Sir John Treavor; and, because it came as a new year's gift, I neglected to inquire whether the cause was ended or depending; but since I find, that though the cause was then dismissed to a trial at law, yet the equity is reserved, so as it was in that kind *pendente lite*.

7. To the seventh article of the charge, *videlicet*, In the cause between Holman and Yong, he received of Yong an hundred pounds after the decree made for him :[3]

I confess and declare, That, as I remember, a good while after the cause ended, I received an hundred pounds either by Mr. Tobye Matthew, or from Yong himself: but whereas I understood that there was some money given by Holman to my servant Hatcher, with that certainly I was never made privy.[4]

8. To the eighth article of the charge, *videlicet*, In the cause between Fisher and Wrenham, the Lord Chancellor, after the decree passed, received from Fisher a suit of hangings worth an hundred and sixty pounds and better, which Fisher gave by advice of Mr. Shute :[5]

I confess and declare, That some time after the decree passed, I being at that time upon remove to York-house, I did receive a suit of hangings of the value (I think) mentioned in the charge, by Mr. Shute, as from Sir Edward Fisher, towards the furnish-

[1] Proved by, etc. Sir Henry Helmes.
[2] Proved by, etc. Richard Keeling.
[3] Proved by, etc. Richard Keeling.
[4] This was claimed by Holman from Bacon's executors as a debt due from the estate. See note 2, p. 264.
[5] Proved by, etc. Sir Edward Fisher.

ing of my house; as some others, that were no way suitors, did present me the like about that time.

9. To the ninth article of the charge, *videlicet*, In the cause between Kenneday and Vanlore, he received a rich cabinet from Kenneday, prized at eight hundred pounds :[1]

I confess and declare, That such a cabinet was brought to my house, though nothing near half the value; and that I said to him that brought it, that I came to view it, and not to receive it; and gave commandment that it should be carried back, and was offended when I heard it was not: and some year and an half after, as I remember, Sir John Kenneday having all that time refused to take it away, as I am told by my servants, I was petitioned by one Pinckney that it might be delivered to him, for that he stood engaged for the money that Sir John Kenneday paid for it. And thereupon Sir John Kenneday wrote a letter to my servant Shereborne, with his own hand, desiring I would not do him that disgrace as to return that gift back, much less to put it into a wrong hand: and so it remains yet ready to be returned to whom your Lordships shall appoint.

10. To the tenth article of the charge, *videlicet*, He borrowed of Vanlore a thousand pounds upon his own bond at one time, and the like sum at another time, upon his Lordship's own bill, subscribed by Mr. Hunt, his man :[2]

I confess and declare, that I borrowed the money in the article set down; and that this is a true debt. And I remember well that I wrote a letter from Kew, above a twelvemonth since, to a friend about the King; wherein I desired, that whereas I owed Peter Vanlore two thousand pounds, his Majesty would be pleased to grant me so much out of his fine set upon him in the Star Chamber.[3]

11. To the eleventh article of the charge, *videlicet*, He received of Richard Scott two hundred pounds after his cause was

[1] Proved by, etc. James Kenneday. [2] Proved by, etc. Peter Vanlore.

[3] See letter to Buckingham dated "Kew, December 12, 1619," (p. 69 of this Volume) where he advises the King not to dispose of any of the fines of the Dutch merchants in gifts "Except the King should give me the 2000*l.* I owe Peter Vanlore out of his fine, which is the chief debt I owe. But this I speak but merrily." The sum was claimed afterwards from the executors as a debt on the estate. See note 2, p. 264.

decreed (but upon a precedent promise), all which was transacted by Mr. Shute:[1]

I confess and declare, That some fortnight after, as I remember, that the decree passed, I received two hundred pounds, as from Mr. Scott by Mr. Shute: but for any precedent promise or transaction by Mr. Shute, certain I am, I knew of none.

12. To the twelfth article of the charge, *videlicet*, He received in the same cause, on the part of Sir John Lentall, an hundred pounds:[2]

I confess and declare, That some months after, as I remember, that the decree passed, I received an hundred pounds by my servant Shereburne, as from Sir John Lentall, who was not the adverse party to Scott, but a third person, relieved by the same decree, in the suit of one Powre.

13. To the thirteenth article of the charge, *videlicet*, He received of Mr. Wroth an hundred pounds in respect of the cause between him and Sir Arthur Mainwaring:[3]

I confess and declare, That this cause being a cause for inheritance of good value, was ended by my arbitrament, and consent of parties; and so a decree passed of course. And some month after the cause thus ended, the hundred pounds mentioned in the said article was delivered to me by my servant Hunt.

14. To the fourteenth article of the charge, *videlicet*, He received of Sir Ralph Hansby, having a cause depending before him, five hundred pounds.[4]

I confess and declare, that there were two decrees, one as I remember, for the inheritance, and the other for the goods and chattels, but all upon one bill; and some good time after the first decree, and before the second, the said five hundred pounds was delivered me by Mr. Tobye Mathew; so as I cannot deny but it was, upon the matter, *pendente lite*.

15. To the fifteenth article of the charge, *videlicet*, William

[1] Proved by, etc. Richard Scott.
[2] Proved by, etc. Edward Shereborne.
[3] Proved by, etc. John Churchill. John Hunt.
[4] Proved by, etc. Sir Ralph Hansbye.

Compton being to have an extent for a debt of one thousand and two hundred pounds, the Lord Chancellor stayed it, and wrote his letter, upon which part of the debt was paid presently, and part at a future day. The Lord Chancellor hereupon sends to borrow five hundred pounds; and because Compton was to pay four hundred pounds to one Huxley, his Lordship requires Huxley to forbear it six months, and thereupon obtains the money from Compton. The money being unpaid, suit grows between Huxley and Compton in Chancery, where his Lordship decrees Compton to pay Huxley the debt, with damages and costs, when it was in his own hands:[1]

I declare, That, in my conscience, the stay of the extent was just, being an extremity against a nobleman, by whom Compton could be no loser. The money was plainly borrowed of Compton upon bond with interest; and the message to Huxley was only to entreat him to give Compton a longer day, and in no sort to make me debtor or responsible to Huxley; and therefore, though I were not ready to pay Compton his money, as I would have been glad to have done, save only one hundred pounds, which is paid; I could not deny justice to Huxley, in as ample manner as if nothing had been between Compton and me. But if Compton hath been damnified in my respect, I am to consider it to Compton.

16. To the sixteenth article of the charge, *videlicet*, In the cause between Sir William Bruncker and Awbrey, the Lord Chancellor received from Awbrey an hundred pounds:[2]

I do confess and declare, that the money was given and received; but the manner of it I leave to the witnesses.

17. To the seventeenth article of the charge, *videlicet*, In the Lord Mountague's cause, he received from the Lord Mountague six or seven hundred pounds; and more was to be paid at the ending of the cause:[3]

I confess and declare, There was money given, and (as I remember) by Mr. Bevis Thelwall, to the sum mentioned in the article, after the cause was decreed; but I cannot say it was

[1] Proved by, etc. William Compton.
[2] Proved by, etc. Christopher Awbrey. Sir George Hastings. And the letters to the Lord Chancellor from Awbrey.
[3] Proved by, etc. Bevis Thelwall.

ended: for there have been many orders since, caused by Sir Francis Englefeild's contempts; and I do remember that when Thelwall brought the money, he said that my Lord would be further thankful if he could once get his quiet; to which speech I gave little regard.

18. To the eighteenth article of the charge, *videlicet*, In the cause of Mr. Dunch, he received from Mr. Dunch, two hundred pounds:[1]

I confess and declare, That it was delivered by Mr. Thelwall to Hatcher, my servant, for me, as I think, some time after the decree; but I cannot precisely inform myself of the time.

19. To the nineteenth article of the charge, *videlicet*, In the cause between Reynell and Peacock, he received from Reynell two hundred pounds, and a diamond ring worth five or six hundred pounds:[2]

I confess and declare, That at my first coming to the Seal, when I was at Whitehall, my servant Hunt delivered me two hundred pounds from Sir George Reynell, my near ally, to be bestowed upon furniture of my house; adding further, that he received divers former favours from me; and this was, as I verily think, before any suit begun. The ring was received certainly *pendente lite*; and though it were at new year's tide, yet it was too great a value for a new year's gift; though as I take it, nothing near the value mentioned in the article.

20. To the twentieth article of the charge, *videlicet*, He took of Peacock an hundred pounds, and borrowed a thousand pounds, without interest, security, or time of payment:[3]

I confess and declare, That I received of Mr. Peacock an hundred pounds at Dorset-house, at my first coming to the Seal, as a present; at which time no suit was begun; and that the summer after, I sent my then servant Lister to Mr. Rolf, my good friend and neighbour at St. Albans, to use his means with Mr. Peacock (who was accounted a monied man) for the borrowing of five hundred pounds; and after, by my servant Hatcher, for borrowing of five hundred pounds more; which Mr. Rolf pro-

[1] Proved by, etc. Bevis Thelwall.
[2] Proved by, etc. John Hunt. Sir George Reynell.
[3] Proved by, etc. William Peacock. James Rolf.

cured, and told me, at both times, it should be without interest script or note; and that I should take my own time for payment of it.[1]

21. To the one and twentieth article of the charge, *videlicet*, In the cause between Smithwick and Wich, he received from Smithwick two hundred pounds, which was repaid:[2]

I confess and declare, That my servant Hunt did, upon his account, being my receiver of the fines of original writs, charge himself with two hundred pounds, formerly received of Smithwick; which, after that I had understood the nature of it, I ordered him to repay it, and to defaulk it of his account.

22. To the two and twentieth article of the charge, *videlicet*, In the cause of Sir Henry Ruswell, he received money from Ruswell; but it is not certain how much:[3]

I confess and declare, That I received money from my servant Hunt, as from Mr. Ruswell, in a purse; and whereas the sum in the article is indefinite, I confess it to be three or four hundred pounds; and it was about some months after the cause was decreed: in which decree I was assisted by two of the Judges.

23. To the three and twentieth article of the charge, *videlicet*, In the cause of Mr. Barker, the Lord Chancellor received from Barker seven hundred pounds:[4]

I confess and declare, That the sum mentioned in the article was received from Mr. Barker, some time after the decree passed.

24, 25, 26. To the four and twentieth article, five and twentieth, and six and twentieth articles of the charge, *videlicet*, The four and twentieth, There being a reference from his Majesty to his Lordship of a business between the grocers and the apothecaries, the Lord Chancellor received of the grocers two hundred pounds.[5] The five and twentieth article: In the same cause, he

[1] This thousand pounds was claimed after Bacon's death from his executors as a debt due to Peacock from the estate. See note p. 264.
[2] Proved by, etc. John Hunt. [3] Proved by, etc. John Hunt.
[4] Proved by, etc. Robert Barker, and Edward Shereburne.
[5] Proved by, etc. Sir Thomas Middleton. Alderman Johnson. John Bunbury.

received of the apothecaries that stood with the grocers, a taster of gold worth between 400 and 500*l.*, and a present of ambergrease.[1] And the six and twentieth article: He received of the new company of the apothecaries that stood against the grocers, an hundred pounds:[2]

To these I confess and declare, That the several sums from the three parties were received; and for that it was no judicial business, but a concord or composition between the parties, and that as I thought all had received good, and they were all three common purses, I thought it the less matter to receive that which they voluntarily presented; for if I had taken it in the nature of a corrupt bribe, I knew it could not be concealed, because it must needs be put to account to the three several companies.

27. To the seven and twentieth article of the charge, *videlicet*, He took of the French merchants a thousand pounds, to constrain the vintners of London to take from them fifteen hundred tuns of wine;[3] to accomplish which, he used very indirect means by colour of his office and authority, without bill or suit depending; terrifying the vintners by threats and imprisonments of their persons, to buy wines whereof they had no need nor use, at higher rates than they were vendible:[4]

I do confess and declare, That Sir Thomas Smith did deal with me in the behalf of the French company; informing me that the vintners by combination would not take off their wines at any reasonable prices. That it would destroy their trade, and stay their voyage for that year; and that it was a fair business, and concerned the State; and he doubted not but I should receive thanks from the King, and honour by it; and that they would gratify me with a thousand pounds for my travail in it: whereupon I treated between them by way of persuasion, and (to prevent any compulsory suit) propounding such a price as the vintners might be gainers 6*l.* a tun, as it was then maintained to me; and after, the merchants petitioning to the King, and his Majesty recommending the business unto me, as a

[1] Proved by, etc. Sir Thomas Middleton. Samuel Jones.
[2] Proved by, etc. John Kellet. Gabriell Sheriff.
[3] Proved by, etc. Robert Bell. William Spright. Richard Peacock.
[4] Proved by, etc. John Child. Henry Ashton. Thomas Haselfote. Raphe Moore. Thomas Knight. His own letters and orders.

business that concerned his customs and the navy, I dealt more earnestly and peremptorily in it; and, as I think, restrained in the messengers' hands for a day or two some that were the most stiff; and afterwards the merchants presented me with a thousand pounds out of their common purse; acknowledging themselves that I had kept them from a kind of ruin; and still maintaining to me, that the vintners, if they were not insatiably minded, had a very competent gain. This is the merits of the cause, as it then appeared unto me.

28. To the eight and twentieth article of the charge, *videlicet*, The Lord Chancellor hath given way to great exactions by his servants, both in respect of private seals, and otherwise for sealing of injunctions.[1]

I confess it was a great fault of neglect in me, that I looked no better to my servants.

This declaration I have made to your Lordships with a sincere mind; humbly craving that, if there should be any mistaking, your Lordships would impute it to want of memory, and not to any desire of mine to obscure truth, or palliate any thing; for I do again confess, that in the points charged upon me, although they should be taken as myself have declared them, there is a great deal of corruption and neglect; for which I am heartily and penitently sorry, and submit myself to the judgment, grace, and mercy of the court.

For extenuation, I will use none concerning the matters themselves; only it may please your Lordships, out of your nobleness, to cast your eyes of compassion upon my person and estate. I was never noted for an avaricious man. And the Apostle saith, that *covetousness is the root of all evil.* I hope also that your Lordships do the rather find me in the state of grace, for that in all these particulars there are few or none that are not almost two years old; whereas those that have an habit of corruption do commonly wax worse and worse; so that it hath pleased God to prepare me, by precedent degrees of amendment, to my present penitency. And for my estate, it is so mean and poor, as my care is now chiefly to satisfy my debts.

And so, fearing I have troubled your Lordships too long, I shall conclude with an humble suit unto you, That if your Lordships

[1] Proved by, etc. Thomas Manwood. Richard Keeling.

proceed to sentence, your sentence may not be heavy to my ruin, but gracious, and mixt with mercy; and not only so, but that you would be noble intercessors for me to his Majesty likewise, for his grace and favour.

Your Lordships' humble servant and suppliant,

FR. ST. ALBAN, Canc.

12.

In requiring Bacon to make a particular instead of a general confession, the Lords acted strictly but fairly; and if they had required of themselves to pronounce a judgment in like manner particular and not general,—a judgment stating which of the charges they found to be proved, and what penalties under what law he had thereby incurred,—I should have had no fault to find with the mode of proceeding, whatever weight I might have been disposed to give to the judgment of a body which seems to have understood so ill the art of judging, and which was not above the influence of fear and favour. Nor can I blame them for either of the steps which they took immediately after the reading of the confession. The first was to send a committee of twelve to tell him that they "conceived it to be an ingenuous and full confession;" and ask him whether the subscription was in his hand, and whether he would stand to it or no; who presently returned with his answer:

"My Lords, it is my act, my hand, my heart. I beseech your Lordships, be merciful to a broken reed."

The next was to move the King to sequester the seal; who at once commissioned the Lord Treasurer, the Lord Steward, the Lord Chamberlain, and the Earl of Arundel, to receive and take charge of it; to whom when, finding him very sick, they "wished it had been better with him," he answered:

"The worse the better. By the King's great favour I received the great seal; by my own great fault I have lost it." [1]

These things (much to be regretted but inevitable) having been despatched, the next business was to agree upon the sentence to be passed: a business which ought not, in my opinion, to have seemed to them so simple as they found it. The "full and ingenuous confession" which they had accepted as the ground for their censure,

[1] Elsing, p. 54.

was sufficient to justify them in pronouncing, without further consideration, that he was guilty of "corruption;" but as to the degree and quality of the corruption it supplied a good deal of information which was new to them, and demanded (if the punishment was to be duly apportioned to the crime) a great deal of consideration, and raised several questions which ought to have been entertained, and the law concerning them enquired, settled, and declared. It was a cause of very great importance; almost, if not absolutely, the first of its kind. They could find no precedent near enough to serve as a guide. Some definition of the offence, recognized by the law, there may have been; but it was certainly not so familiar as not to need quoting, or so distinct as to make it an easy matter to say which of the confessed acts came within, and which lay without it. It is true that there must have been a strong popular impression of their illegality; for it was assumed and acted on without enquiry or contradiction: but a Court not learned in the law, deciding without appeal, has no right to go upon popular impressions, however general and however strong. If they had asked the Judges what constituted judicial bribery, and by what law it was made penal, and what the legal penalty was, the Judges (their official advisers in such matters) would have supplied them with the best opinion that could be had. Some questions there certainly were which had a very important bearing upon this particular case, and on which the popular impression was *not* decided. If the list of gratuities confessed to have been received, taken with the circumstances as stated in the confession, be carefully examined, it will be found that most of them were received after the cause was ended, and without relation to any precedent promise. This Bacon himself "conceived to be no fault." "By the opinion of the civilians," it seemed, he said, "to be no offence." Upon that point at least, therefore, there was a doubt which it could not be right for such a Court, pronouncing sentence in such a cause, to pass in silence. It will be found also that more than half the charges rest upon the depositions of single witnesses: and though Coke would have been ready to assure them that the single witness whose evidence incriminates himself is more to be believed than three who have committed no crime, the rule would hardly apply in this case, when every witness whose evidence might convict him of the crime had been specially protected from all danger of the penalty. Facts stated on the authority of a single witness, and denied or admitted with material differences by the party accused, clearly form a distinct class. Nor could those which rested upon the evidence of more than one witness

be admitted all alike, without questions or distinctions, as proved. Why did the Lords make such a point of having a more particular confession, when the confession before them admitted that the case deserved condemnation and censure? Because confession was required "to ground their sentence;"[1] that is to say, because in a case which had not been tried they could not take for proved anything which had not been confessed. If so, it followed that where a fact was either denied in the confession or admitted with a difference, it ought to have been either omitted altogether from the grounds of censure or retained with the correction: so much of it as was confessed being taken for proved, and no more. Justice clearly required that cases of this kind should be distinguished from the rest, and treated separately. Even those which were best proved and most to the purpose—cases of gifts confessed to have been received from suitors whose causes had not been finally disposed of—were not all alike. There were many among them in which the suit passed through so many stages, and came back again so often after seeming to be disposed of, that a man with many other things to think of might easily be unaware that he had anything more to do with it, and yet it might be still pending. If the ignorance was real, such cases belonged morally to the class of gifts received after the cause was at an end, and were entitled to the same distinction. The collection was further swelled by cases in which Bacon had acted as arbitrator or mediator by consent of the parties, and in which one or both, feeling themselves obliged by his services, had expressed the sense of obligation after the fashion of the time, by a present of money or money's worth. Such presents were analogous to those usually made to negotiators or ambassadors: which nobody thought wrong. These again, if admitted into the charge at all (which I think they should not have been) ought at least to have been distinguished in the judgment as not implying corruption. Others again were not gifts at all, but sums of money borrowed, and recoverable as debts;[2] and though all money transactions between the Judge and the suitor may have been justly censurable, as exposing the Judge to the suspicion, and likely to betray him into the practice, of corruption, yet a money-lender, like a wine-merchant or a tailor, may happen to have a suit in Chancery; and as the Lord Chancellor might in the one case order his usual supply of wine or

[1] Southampton, 24 April. Elsing, p. 14.

[2] Three of these cases gave rise after Bacon's death to a curious question. Being claimed by the lenders as *debts* due to them from the estate, the executors pleaded that they had been decided by the House of Lords to be *bribes*. See note to Lord Campbell's 'Lives of the Chancellors.' 3rd edition, vol. iii. p. 146.

clothes without incurring suspicion of a corrupt intention, so in the other he might borrow a sum of money (being a practice to which he had all his life been too much addicted) without deserving it.

For the formation of a just judgment, it was obviously necessary to take all points like these into consideration. Not being themselves men of science in law, nor disposed to take advice of such as were, we must suppose that the Lords went by common sense; and common sense must have cried out that if they meant to make a precedent for the benefit of posterity in passing judgment upon a great offender, they must clearly understand and make understood what the offences were of which he had been proved guilty;—that their first business therefore was to ascertain how many of the facts alleged were proved true, whether by evidence or confession; then, of those proved true, how many implied corruption or otherwise transgressed the law; and lastly, of those proved corrupt in construction of law, how many implied real corruption in the shape of a bargain which was to influence the judgment. Common sense must have told them that this could only be done by taking the charges separately, and discussing them one by one; and though they were not a body well qualified or well trained for such discussions, the order of proceeding was obvious and easy. The charges were set out in twenty-eight articles. To each article was appended Bacon's confession and declaration; which included all the defence which he thought fit to offer. Each charge might be taken in succession, and the question debated whether upon that charge he was guilty or not guilty. All reasonable considerations should have found in a committee of the whole House some advocate to represent them: and if questions of law intervened, the Judges were within reach and would advise. When the whole list had been gone through in this way, they would have known, or done their best to know, what the offence amounted to; and would have been in a condition to consider what punishment it deserved. And here also they would or should have met with a question, materially affecting the moral aspect of these practices, and material therefore to the apportionment of the penalty; namely, What was the custom and what was the opinion with regard to gift-taking by Judges in those days? How far was the practice common, and how far was it tolerated? Had Bacon in short done more than other Chancellors had been in the habit of doing, and doing without reproach? It is a question hardly possible to answer now. But at that time in a committee of the whole

House of Lords there were probably some who could have thrown light upon it if they chose. On comparing the very moderate fees and allowances assigned at that time to the officers and ministers of justice—1047*l.* 15*s.* to the Lord Chancellor, 238*l.* 6*s.* 8*d.* to the Lord Chief Justice, 132*l.* 17*s.* 4*d.* to the Lord Chief Baron, etc.[1]—with the considerable incomes spent or the large fortunes accumulated during the tenure of those offices, many people think that a great part of their receipts must really have been derived from gratuities of one kind or another. And if as searching a light could be thrown upon the proceedings of former Chancellors, I should not be surprised to find that the taking of gifts from suitors was one of those practices which though everybody knew them to be illegal, and nobody would undertake publicly to justify them, were nevertheless not only generally indulged in by those who received the profit, but generally known of and tolerated by others who had no share in it,—that the silver flagons sent by the suitor to Sir Thomas More[2] were an example of the ordinary practice, while the witty and graceful rebuke represented the exceptional integrity of the man: one of those moral geniuses that rise into eminent place once perhaps in a century (only that in that case there must have been fourteen others between the birth of More and of Christianity, and I think it would be difficult to count them up) and illustrate the practice of their times by contrast. Upon this point however I have not myself seen any evidence which seems conclusive; and I only say here that it was one which the House of Lords in its capacity of Supreme Court of Justice had to consider and take into account. When they had settled this, there would still remain the great question of all—whether there was reason to believe that in any one of these cases the judgment had been in any way influenced by the gift: a question which is not distinctly raised by the accusation, because no such charge is contained in any of the articles; but which makes so great a difference in the moral character of the transaction, that in apportioning the punishment to the offence they could not pass it by.

Any man seriously endeavouring to understand and estimate

[1] From an old MS. formerly in Tenison's Library, entitled "A description as well of his M. Courts of Record as of his M. most hon. household, &c.," collected in anno 1614.

[2] "Sir Thomas More had sent him by a suitor in the Chancery two silver flagons. When they were presented by the gentleman's servant he said to one of his men; *Have him to the cellar and let him have of my best wine*, and turning to the servant, said, *Tell thy master, friend, if he like it let him not spare it.*" Apophthegms, no. 24. Lit. and Prof. Works; vol. ii. p. 128.

the nature of Bacon's delinquency must feel that without taking things like these into consideration, it cannot be done: and if so, it must have been the business of the Lords to consider them before they pronounced sentence. How they set about it we have not, till within the last three years, had any means of knowing, further than that what they did they did quickly; for the Lords' Journals tell us nothing of what passed in committee, except the result as embodied in the subsequent action of the House. But the publication in 1870 by the Camden Society of Elsing's Notes of the Debates during part of this session, has given us some insight into the interior: and though the notes are short, we gain from them a tolerably clear idea of the manner in which this important deliberation was transacted.

The seal had been delivered up and put in commission on the 1st of May. On the 2nd, towards the end of the sitting,

"Agreed to proceed in the business of the Lord Chancellor to-morrow morning.

SOUTHAMPTON. The L. Chancellor to have notice and warning to be here then to hear his sentence by 9. The collection of the charges, proofs, and confession, to be considered of by a Committee.

ARCH. CANTERBURY. The Lower House to have notice that they come to crave judgment.

Agreed, the Gentleman Usher and the Serjeant-at-Arms to warn the L. Chancellor, and to bring him hither.

The House resumed.

* * * * * *

The Usher and Serjeant to summon the L. Chancellor to appear here in person to-morrow by 9. All the Judges to be here in their robes, save 1 in each court. The Lower House to be sent for. The Serjeant to carry his mace, and to show it him, but not to carry it before him as he did when he had the seal.

Adjornatur to 9 to-morrow.

DIE JOVIS, 3 MAII, 1621.

* * * * * *

The Gentleman Usher and Mr. Serjeant. That they find the L. Chancellor is sick in bed. He answered that he is so sick that he is not able to repair hither; that this is no excuse, for if he had been well he would willingly have come.

RICHMOND. The charge and confession of the L. Chancellor to be read and compared.

It was read per Mr. Attorney at the clerk's table.

L. CHIEF JUSTICE. First to know orders:—

1. Whether to mention the rejection of the former imperfect answer.[1]

[1] (marginal note) To resolve on this after the sentence agreed on.

2. Many witnesses examined; whether to take notice of these examinations, or the second submission.[1]

3. Whether to convict him upon every particular, or the general.[2]

Question: Such of the Lords as are of opinion that the L. Chancellor is guilty of the offences as he hath been charged withal, etc. to say Content.

The question being put, they all agreed that the L. Chancellor is guilty of the matters wherewith he is charged, *nemine dissentiente*."

So that matter was easily settled. They had heard the charge read again and compared with the confession, and they were of opinion that he was in a general way guilty of whatever the charge contained. No distinctions taken. Though they thought they could not sentence without confession, they could find him guilty of what he had not confessed as well as what he had.

The question of guilt being thus disposed of, then came the question of the punishment.

"THE L. CHIEF JUSTICE. That they proceed to speak of his punishment.

The clerk to take notes of every man's opinion for the kind of punishment.

HUNTINGDON. The House to be adjourned *ad libitum*.

PRINCE. A precedent of former Chancellors, the like offence, and what punishment hath been inflicted on them.

ARUNDEL. This motion good, if there be any such precedents.

L. CHAMBERLAIN. Michaell de la Poole questioned for changing of lands with the King.

HUNSDON delivered some notes of judgments against Poole, Thorp, etc. Read, and he received the note back.

Adjornatur ad libitum.

WENTWORTH. If Poole his case concerns this, to be read to the House.

SPENCER. The King said he would make it a precedent to posterity. Not to trench to life banishment, etc.

ARUNDEL. His offences foul, his confession pitiful. Life not to be touched.

L. CHAMBERLAIN. A fine, ransom, and imprisonment.[3]

SHEFFIELD. Not to be capable hereafter of any office of judicature or councillor's place.[4]

SAYE. To be degraded during life, for unfit to sit here again amongst us.[5]

ARUNDEL. Not to be degraded.

[1] (marginal note) Of both. [2] *Super totam materiam*. [3] Agreed on.
[4] Well liked of. [5] Not agreed on.

L. CHAMBERLAIN. To fine, ransom, imprisonment. Uncapable of any public office, etc. Not to be degraded.

SOUTHAMPTON. We cannot guide our sentence by any precedent, to make an example of this such as posterity may give us thanks for. Banishment or not? Degradation? Opinion that he is fit to be degraded, being made uncapable of any office in the State or Commonwealth. At the least to be degraded during life, and banished from ever coming near the Court.

RICHMOND. Against degradation.

SPENCER. A man may be attainted, and yet his honour remain, and alleged precedents of many.

SAY. *Prout antea pro vita.*

L. CHAMBERLAIN. Put it to the question whether to be degraded *durante vita.*

SOUTHAMPTON. Not to be banished, though worthy.

L. TREASURER. Fine, etc. No honour touched here, but by way of loss of office, etc, Bill only. Agrees with the L. Chamberlain.

CAMBRIDGE. Agrees to all save degradation, for that he hath made so clear and ingenuous confession, which men of his sort do not. Agrees with L. Chamberlain.

PRINCE. Agrees with Cambridge.

CAMBRIDGE. The Lord Chancellor never to sit here, nor come near the court.

ARUNDEL. *Idem cum* L. Treasurer, not to be degraded here, which is not usual but by way of bill. To be put to the question.

DURESME. Not to be degraded, as he may remember from whence he hath fallen.

SOUTHAMPTON. Whether he whom this House thinks unfit to be a constable shall come to the Parliament?

He never to come to Parliament again.[1]

L. ADMIRAL.[2] The Lord Chancellor so sick that he cannot live long.

SOUTHAMPTON.

The House resumed.

L. CH. JUSTICE. Question, whether the L. Chancellor—

L. CHAMBERLAIN. We agree he lose his place in Parliament during life.[3]

Question. Whether the Viscount St. Albans shall be suspended of all his titles of nobility during his life, or no?

Agreed *per plures*, not to be suspended, etc.

1. The fine and ransom, 40,000*l.*

2. Imprisonment during the King's pleasure in the Tower.

3. Uncapable of any office, place, or employment in the State or Commonwealth.

4. Never to sit in Parliament, nor to come within the verge of the Court.

[1] (marginal note) Agreed. [2] Buckingham. [3] Agreed.

Put to the question, whether these punishments above shall be inflicted upon the L. Viscount St. Alban or no?

Agreed. *Dissentiente* L. Admiral.[1]

This was the whole judicial proceeding. It remained only to pronounce the sentence,—which was done with due ceremony, as described in the journals.

"The Lords having agreed upon the sentence to be given against the Lord Chancellor, did send a message to the House of Commons,

by { Mr. Serjeant Crew, / Mr. Serjeant Hitcham:

That the Lords are ready to give judgment against the Lord Viscount St. Alban, Lord Chancellor, if they, with their Speaker, will come to demand it.

In the mean time the Lords put on their robes; and answer being returned of this message and the Commons come;

The Speaker came to the Bar, and, making three low obeisances, said,—

'The Knights, Citizens, and Burgesses of the Commons House of Parliament, have made complaint unto your Lordships of many exorbitant offences of bribery and corruption committed by the Lord Chancellor. We understand that your Lordships are ready to give judgment upon him for the same. Wherefore I, their Speaker, in their name, do humbly demand and pray judgment against him the Lord Chancellor, as the nature of his offence and demerits do require.'

The Lord Chief Justice answered: Mr. Speaker, upon the complaint of the Commons against the Lord Viscount St. Alban, Lord Chancellor, this High Court hath thereby, and by his own confession, found him guilty of the crimes and corruptions complained of by the Commons, and of sundry other crimes and corruptions of like nature.

And therefore this High Court (having first summoned him to attend, and having received his excuse of not attending by reason of infirmity and sickness, which he protested was not feigned, or else he would most willingly have attended) doth nevertheless think fit to proceed to judgment; and therefore this High Court doth adjudge:

1. That the Lord Viscount St. Alban, Lord Chancellor of England, shall undergo fine and ransom of forty thousand pounds.

2. That he shall be imprisoned in the Tower during the King's pleasure.

3. That he shall for ever be incapable of any office, place, or employment in the State or Commonwealth.

4. That he shall never sit in Parliament, nor come within the verge of the Court.[2]

[1] Elsing, pp. 60–64.

[2] Clarendon must have forgotten this judgment when, speaking of the impeachment of the Earl of Middlesex three years after, he says: "But the Duke's

This is the judgment and resolution of this High Court."

The Prince his Highness was entreated by the House, that, accompanied with divers of the Lords of this House, he would be pleased to present this sentence given against the late Lord Chancellor unto his Majesty. His Highness was pleased to yield unto this request.[1]

13.

"There is a judicature for impeachment," says Hargrave in his preface to Hale's 'Jurisdiction of the House of Lords,' "and under it, on the one hand, the Commons, as the great representative inquest of the nation, first find the crime, and afterwards, acting as prosecutors, endeavour to support their finding before the Lords; whilst, on the other hand, the Lords exercise the function both of Judge and Jury, in trial of the cause and in deciding upon it." It appears however according to the same authority that the Lords had not been called on to perform this office for 200 years. "From the 3rd of Henry V. to the accession of James I., there appears to have been little exercise of judicature in Parliament civilly, or indeed criminally; unless the cruel precedents of acts of attainder without hearing the accused, and the indulgent precedents of acts of restitution without assignment of errors, of both of which the number is great, are fit to be considered as judicial records." [2]

First attempts should not be judged too severely, and this was the first attempt of the persons then composing the House of Lords to exercise the combined offices of Judge and Jury. Not having either precedents of their own to follow or analogous proceedings in other courts to imitate; being untrained in judicial business of any kind; proceeding without rules, order, or organisation; acting by turns as judge without jury and jury without judge; settling questions of law and questions of fact and questions of justice alike by the majority of votes; it is not surprising that both in trying the cause and in deciding upon it they merely reflected and gave effect to the passion of the time. As the passion of the time had some reason in it, so had their decision some justice. It had also, as it happened,—what was more important,—a great constitutional value: it inflicted upon an abuse which had been heretofore tolerated a punishment which made it thereafter infamous. All questionable

power (supported by the Prince's countenance) was grown so great in the two Houses, that it was in vain for the King to interpose; and so (notwithstanding so good a defence made by the Earl, that he was absolved from any notorious crime by the impartial opinion of many of those who heard all the evidence) he was at last condemned in a great fine to a long and strict imprisonment, and *never to sit in Parliament during his life;* a charge of such a nature *as was never before found in any judgment of Parliament*, and in truth not to be inflicted on any Peer but by attainder." Hist. of Rebellion, p. 64.

[1] Lords' Journals, p. 106.

[2] Preface, pp. iv. viii.

transactions between Judges and suitors were from that day at an end in England. For this purpose it fortunately happens that an unjust sentence does as well as a just one,—perhaps better: and though it falls hard upon the victim, the nation receives the benefit. But as a decision upon the questions either of law or of fact or of justice which the charge involved, I cannot think, considering the method by which it was arrived at, that it deserves any credit whatever. As a precedent of the manner of proceeding in such cases, it cannot be recommended as an example to be followed, in any part of it. And as for the character and complexion of the offence, so little consideration was used in the enquiry that whoever cares to form an estimate of that must try the case over again for himself upon such evidence as is now attainable. Bacon never allowed himself to dispute the justice of the sentence to which he had undertaken to submit. But his confession contains his own judgment upon his own case; and though we cannot test it by comparison with the depositions upon which the judgment of the Lords was really based, and which he never saw, we can try it by its correspondence with some other facts not known to them:[1] and we are warned in the meantime by certain proceedings of theirs which took place a few days after and show the temper they were in, not to accept their impression of the effect of those depositions as conclusive.

Two days after they passed their sentence upon Bacon, they discovered that the House of Commons was beginning again to trespass upon their province, and pass sentences on its own account upon persons "not members thereof or dependants thereupon." While Bacon was employed in drawing up his answers to the charges, information reached the Lower House that, some four months before, scandalous words had been heard spoken within the precincts of the Fleet prison concerning the King and Queen of Bohemia. It was on Saturday, the 28th of April, that they had the first intimation of the fact. On Monday, the 30th, they sent for the Warden of the Fleet, and summoned all the lawyers of the House to attend presently and hear the accusation read. On Tuesday morning they had the accused and the accusers brought before them, and on Tuesday afternoon they pronounced the sentence, which on Wednesday morning was to have been carried out. As judicature was the special business and distinction of this session in both Houses,—as it is important to know how they acquitted themselves in their new function of great inquest, prosecutor, judge and jury, all together,—and as we happen to have a particularly authen-

[1] See chap. x. § 10.

tic record of the proceeding in this case (for it was drawn up by a committee headed by Coke himself after the right to judge had been called in question),[1]—I shall set down the whole record as entered by special direction in the Journals.

"Be it remembered, that upon Tuesday the first day of May in the year of our sovereign Lord, James, King of England, etc., the nineteenth, Edward Lloyde, late of Clannemayne, within the county of Salop, Esquire, was impeached before the Commons assembled in this Parliament, for that the said Edward, sithence the summons of this Parliament, in the prison of the Fleet, having communication concerning the most illustrious Princess, the Lady Elizabeth, only daughter of our said sovereign Lord, and the most excellent Prince her husband, did use and utter, openly and publicly, false, malicious and despiteful speeches of the said two Princes; saying in this manner, 'I have heard that Prague is taken; and Goodman Palsgrave and Goodwife Palsgrave have taken their heels and run away; and, as I have heard, Goodwife Palsgrave is taken prisoner,' and that those words were spoken by him in most despiteful and scornful manner, with a fleering and scoffing countenance, and with a purpose to disgrace, as much as in him lay, those two Princes; and that at other times he did, in like despiteful and reproachful manner, use other malicious and opprobrious words of them. Whereupon the said Commons, of their love and zeal to our said sovereign Lord, and not minding to let pass unpunished those things that tended to the disgrace of his Majesty's issue, a part of himself, who is head of the Parliament, did call before them the said Edward Lloyde, and thereof did question him; and thereupon so far proceeded that after, upon the same day, for that the said matters whereof the said Edward was impeached were true and notorious, therefore the said Commons in the Commons House assembled in Parliament did adjudge and award, that the said Edward Lloyde should be returned that night prisoner to the Fleet, where before he remained in prison, and to lie that night in a place there called Bolton's ward; and shall the next morning be brought to Westminster, into the great yard before the door of the great Hall of Pleas, and be there set and stand upon the pillory, from nine until eleven of the clock in the forenoon, with a paper upon his hat with this inscription, in capital letters, of these words; 'For false, malicious, and despiteful speeches against the King's Daughter and her Husband'; and from thence shall presently ride to the Exchange within the city of London, upon a horse without a saddle, with his face backwards towards the horse tail, holding the tail in his hand, with the former paper on his head; and be there again set and stand upon the pillory two hours; and from thence shall ride in like manner to the Fleet, and there to remain until the next Friday morning; and in that morning to ride in like manner into Cheapside in the city of London, and there shall be set

[1] "Sir Edw. Coke, Sir. Ro. Philippes, Mr. Noy, Mr. Alford, Sir Sam. Sands, Master of the Wards, Sir Nath. Rich, Sir Edw. Cecill, presently to retire into the committee chamber and to set down in writing the judgment." C. J. 4th May, p. 608.

and stand upon the pillory, with the former paper and inscription, by the space of two hours, that is from ten until twelve of the clock in the forenoon of that day; and ride back to the Fleet in like manner as before: And that there is set and assessed upon him a fine of one thousand pounds."[1]

We shall all agree, I think, with that House in thinking it right that this should "be remembered"; especially when their votes are cited as evidence in the case of a political offender. Coke was not present when they agreed upon this sentence, though he had taken part in the enquiry the day before and moved for a special committee to examine the cause: but he stood stoutly by it, and seems to have got some new light as to the powers of judicature belonging to the Commons, since the day (not long before) when he consented to give up Sir Francis Michell to be dealt with by the other House. Of this last proceeding against Lloyde the other House, having no official knowledge, took no notice; but were going on all the time with the case of Michell, against whom on the 4th of May they invited the Commons to come and demand judgment; and the sentence on Lloyde would have been carried out two days before, if the King had not interposed with some *quære's*, addressed to the Lower House, as to their authority; which caused them to countermand the orders for execution.[2] After this, the Lords took courage to question the encroachment on their own account, and a series of conferences followed which ended in a request from the Commons (May 12) that they would "take the cause into their examination, judgment and execution."[3] The difference had been merely about the point of privilege. Neither justice nor mercy had anything to do with it. The dispute was conducted with studious anxiety on both sides to avoid any word that might endanger the "good correspondency" between the Houses: and the Commons having consented not only to give up their victim, but to sanction a formal protestation that their late proceeding should never be used as a precedent,[4] it remained for the Lords to do their part in maintaining the good correspondency by the use they made of the privilege which they had recovered. On the 14th they resolved to proceed to censure the said Edward Lloyde. On the 16th they appointed a committee to take examinations. On the 25th they received their report that they were "satisfied for the proofs of the crimes objected against him," heard the examinations read over, and ordered him to be brought up to the Bar the next morning to be censured. On the

[1] C. J. pp. 608, 9.
[2] C. J. May 2, p.m. p. 605.
[3] *Ib.* p. 619.
[4] L. J. pp. 119, 124.

26th he was brought to the Bar accordingly, and formally charged by the Attorney-General (Coventry) "with notorious misdemeanours and high presumption," viz.,

1. For rejoicing at the losses happened to the King's daughter and her children.
2. For discouraging of others, which bear good affections unto them.
3. For speaking basely of them.
4. For taking upon him to judge of the rights of kingdoms.

In proof of all which he then produced the depositions. The prisoner, being asked what answer he could make, began by taking exceptions to the witnesses, but was stopped and required "to make a direct answer to the charge." When upon that he said he did not remember having spoken those words, the depositions of six witnesses were read. When again he denied that he had spoken the words (Goodman Palsgrave and Goodwife Palsgrave) "in such sort as they were laid down in the examinations," and was again asked "whether he spake those words, or words to that effect," he replied (for he was a man of education and had been a lawyer and a Justice of the Peace) that "it was but a folly for him to deny them, because so many had proved them." And when he was asked again "whether he spake the other words, or used the insolent behaviour towards the Prince and Princess Palatine," he merely answered that "he remembered it not."

This was the trial. Then came the verdict.

"The prisoner being withdrawn, although the Lords were fully satisfied by these examinations and Lloyde's[1] answers, yet for order sake it was put to the question, Whether Edward Lloyde be so guilty of the offences wherewith he is charged as that he deserves to be censured; and agreed unto by all (*nemine dissentiente*)."

Next came the sentence; which was deliberated and agreed upon as follows:

"The censure against Edward Lloyde being propounded in this manner, *videlicet*,

1. Not to bear arms like a gentleman, etc.
2. To ride with his face to the horse tail, to stand on the pillory, and his ears nailed, etc.
3. To be whipped at a cart's tail.

[1] The name is spelt Floud in the Lords' Journals, and two or three ways in those of the Commons. But I take the written record above quoted to be the best authority. The 'Fl' was an imperfect attempt to represent phonetically the sound of the Welch 'Ll.'

4. To be fined at five thousands pounds.

5. To be perpetually imprisoned in Newgate.

"It was put to the question, first whether the said Edward Lloyde shall be whipped or no, which some Lords doubted to yield unto, because he was a gentleman; yet it was agreed *per plures* that he shall be whipped."

"Then it was put to the question, whether Edward Lloyde's ears shall be nailed to the pillory, or no; and agreed *per plures* not to be nailed."

"Then the form of the sentence being read, it was put to the question, whether those punishments therein mentioned shall be inflicted on the said Edward Lloyde, or no; and agreed unto generally."

The next thing was to pronounce judgment, which on this occasion the Commons (out of delicacy, I suppose) were not invited to demand.

"Edward Lloyde being brought to the Bar again, Mr. Attorney-General came to the Clerk's table and making a short repetition of Lloyde's offence, prayed the Lords to proceed to judgment against him.

"Whereupon the Lord Chief Justice pronounced the sentence in these words, *videlicet*,

"The Lords spiritual and temporal, considering of the great offence of the said Edward Lloyde, do award and adjudge:

1. That the said Edward Lloyde shall be incapable to bear arms as a gentleman; and that he shall be ever held an infamous person, and his testimony not to be taken in any court or cause.

2. That on Monday next, in the morning, he shall be brought to Westminster Hall, and there to be set on horse-back, with his face to the horse tail, holding the tail in his hand, with papers on his head and breast declaring his offence, and so to ride to the pillory in Cheapside, and there to stand two hours on the pillory, and there to be branded with a letter K on his forehead.

3. To be whipped at a cart's tail on the first day of the next term, from the Fleet to Westminster Hall, with papers on his head declaring his offence, and then to stand on the pillory there two hours.

4. That he shall be fined to the King in five thousand pounds.

5. That he shall be imprisoned in Newgate during his life."

One thing still remained—to provide that the sentence should be carried into execution: but it was not forgotten.

"*Memorandum.* The Clerk signed a warrant to the Serjeant-at-arms and the Warden of the Fleet to see this sentence executed; with a clause therein for the Sheriffs of London and Middlesex and all other his Majesty's officers to whom it might appertain, to be aiding and assisting unto them. And *memorandum* that these words were written in the paper to be on Lloyde's head, declaring his offence; *videlicet*,

'FOR IGNOMINIOUS AND DESPITEFUL WORDS AND MALICIOUS AND SCORNFUL BEHAVIOUR TOWARDS THE PRINCE AND PRINCESS PALATINE, THE KING'S ONLY DAUGHTER, AND THEIR CHILDREN.' "[1]

I have referred to this sentence more than once in illustration of the ideas of the patriots of those days concerning the limits of free speech: and I have thought it worth quoting again here more in detail, as an illustration of the manner in which popular assemblies in those days administered justice. Elsing's notes of the debates for the remainder of the session after the 18th May have not been found, and we are left in the dark as to the personal history of the consultation which preceded the vote. The Journals do not inform us by whom or upon whose motion the sentence on Lloyde was "propounded;" but I suppose it was some member of the Committee which had been appointed to take the examinations; at any rate that that Committee was in some way responsible for the proposition; and we may be excused for asking who they were. They were the Lord Archbishop of Canterbury, the Earl of Southampton, the Earl of Dorset, the Lord Bishop of Bangor, Lord Sheffield, Lord Wentworth, Lord Say, and Lord Denny.[2] Half of these, it will be observed—and we have no reason to think it was the better half,—had been members of one or other of the Committees for the examination of the evidence against Bacon; and when we are called upon, in matters which we have not the means of examining for ourselves, to take their estimate of the merits of his case upon trust, because they were virtuous and patriotic and contemporary, we ought not to forget that the estimate of the merits of Edward Lloyde's case was formed by a Committee of Bishops and noblemen, half of whom were the same men, and the other half were men of the same kind. Judgments by such bodies prove nothing but the direction and force of popular feeling. The severe sentence on Bacon represented the popular hue and cry after iniquity in high places. The outrageous sentence on Lloyde, an old gentleman of Catholic faith and strong political opinions, expressed the fervour of the popular sympathy with the cause of the Protestants in Bohemia.

Lest the story should seem too tragical, it may be as well to mention in quitting it that the whipping was left out of his punishment[3] at the intercession of the Prince, and that the King did not allow

[1] L. J. May 26, p. 183. [2] L. J. May 16, p. 125.

[3] Chamberlain to Carleton, 2nd June. From the note in Camden's Annals it would seem that the whole sentence was executed, whipping and all. But I take the news writers to be the better authority on a point like this.

him to remain in Newgate; and no doubt released him from his fine as soon as he was forgotten. What use the common people made of the opportunity they had, as he stood in the pillory, to distinguish themselves from their betters, I do not know. We are only told that the rest of the sentence was executed, and that many thought it too severe for any words short of blasphemy.[1]

[1] "The sentence is by all or most thought hard and severe enough for any words how malicious soever (except blasphemy), and the censure given by the Lower House was commended as more reasonable; whereupon much speech and dispute hath grown, so far that I hear of divers called in question for speaking too liberally against it." Chamberlain, 2nd June.

CHAPTER VII.

A.D. 1621–2. MAY–MARCH. ÆTAT. 61.

1.

BACON could not be forgotten: and as in the judgments of this world confession and penitence prove guilt but earn no absolution, his disgrace remained with him and his punishments could not be dispensed with or remitted. The disposition to take his part as much as they could, which had been shown by the Prince and Buckingham, and to a certain extent by the Court party in general, appears to have excited an apprehension that his ruin was not complete, and that he might rise again: an apprehension which pursued him to the end; there being always somebody, whenever a proposal was made for his relief, to object to it as disrespectful to Parliament.

The following note of the proceedings in the House of Lords on the 12th of May, shows how active and impatient this jealousy was.

SOUTHAMPTON. That the L. Chancellor is not yet gone to the Tower; moved that the world may not think our sentence is in vain.

L. ADMIRAL. The King hath respited his going to the Tower in this time of his great sickness.

SHEFFIELD. A warrant from the House to commit the late L. Chancellor to the Tower.[1]

[1] Elsing, p. 79. It appears, however, that the blow was aimed, not so much against Bacon as against Buckingham; who was supposed to be shielding him, and against whom there was a strong party in the Upper House, headed by Southampton. "The rumour lately spread," says Sir Anthony Ashley, writing on the same day, "touching his Majesty's untimely pardon of the late Lord Chancellor's fine and imprisonment, with some other favours intended towards him (said to be procured by your Lordship's only intimation) hath exceedingly exasperated the rancour of the ill-affected; which, albeit it be false, and unlikely, because very unseasonable, it doth yet serve the present turn for the increase of malice against you. I can but inform your Lordship of what I understand. You may please to make use thereof as yourself thinketh best." 'Cabala,' p. 2.

As there is nothing to be found about this in the Journals, I suppose the motion was not carried, but withdrawn upon an understanding that he would be sent to the Tower as soon as his health permitted. He was sent accordingly before the end of the month: and so far, the Lords had the satisfaction of proving to the world that their sentence had not been in vain. But as the words of it were that he was to be "imprisoned in the Tower during the King's pleasure," they could not complain of his being released as soon as it was the King's pleasure that he should be imprisoned no longer. The exact date and duration of his imprisonment is not certainly known; at least our authorities do not exactly agree. Chamberlain, writing on the 2nd of June (which was Saturday), says that he went to the Tower in "the beginning of the week;" and afterwards writing on the 9th, reports that he came out on the 2nd; Camden, in his *Annalium Apparatus*, says that he remained only two days,[1] but does not give the date either of his entrance or his exit. What we know is that he was in the Tower on the 31st of May, and out on the 4th of June, as will be seen by the following letters.

TO THE MARQUIS OF BUCKINGHAM.[2]

Good my Lord,

Procure the warrant for my discharge this day. Death, I thank God, is so far from being unwelcome to me, as I have called for it (as Christian resolution would permit) any time these two months. But to die before the time of his Majesty's grace, and in this disgraceful place, is even the worst that could be; and when I am dead, he is gone that was always in one tenor, a true and perfect servant to his master, and one that was never author of any immoderate, no, nor unsafe, no (I will say it) not unfortunate counsel; and one that no temptation could ever make other than a trusty, and honest, and thrice loving friend to your Lordship; and howsoever I acknowledge the sentence just, and for reformation sake fit, the justest Chancellor that hath been in the five changes since Sir Nicholas Bacon's time. God bless and prosper your Lordship, whatsoever become of me.

Your Lordship's true friend, living and dying,

FR. ST. ALBAN.

Tower, 31st May, 1621.

[1] Post biduum deliberatus.

[2] Gibson Papers, vol. viii. f. 147. Original. Indorsed "To the Marquis of Buckingham from the Tower."

To the Marquis of Buckingham.[1]

My very good Lord,

I heartily thank your Lordship for getting me out of prison, and now my body is out, my mind nevertheless will be still in prison, till I may be on my feet to do his Majesty and your Lordship faithful service. Wherein your Lordship, by the grace of God, shall find that my adversity hath neither spent nor pent my spirits. God prosper you.

Your Lordship's most obliged
friend and faithful servant,
Fr. St. Alban.

4 June, 1621.

To the King.[2]

May it please your most excellent Majesty,

I humbly thank your Majesty for my liberty, without which timely grant, any further grace would have come too late. But your Majesty that did shed tears in the beginning of my trouble, will I hope shed the dew of your grace and goodness upon me in the end. Let me live to serve you, else life is but the shadow of death to

Your Majesty's most devoted servant,
Fr. St. Alban.

4 June, 1621.

The next letter has no date, but the allusion to what took place 'yesterday' makes it probable that it was written on the 5th of June. On the 4th, when Parliament was about to adjourn till November, it was moved in the Lower House by Sir J. Perrot, that since the King at the beginning of the Parliament "made his protestation about the Palatinate, to adventure himself, his son, and all his estate," they on their part should make a public declaration before their departure "that at their next access they would, if the King should require it, adventure themselves and all their estates in defence of Religion, etc. Which he hoped, being known abroad, would facilitate his Majesty's treaties with foreign princes." The motion was supported by Sir Robert Phelips, as tending to advance the reputation of the country abroad, and proposed in the following shape:—

[1] Stephens's second collection, p. 147. From the Register.
[2] Stephens's second collection, p. 146. From the Register.

"To declare that if his Majesty shall not by peace obtain the settlement of true religion, which now shaken, and the recovery of the Palatinate, we all undertake for the several shires and places for which we serve [that we] will adventure all our fortunes, of lives and estates for those services."

The motion being put by the Speaker was, "by a general acclamation and waving of hats, allowed."[1] Towerson, the merchant, was ready to answer for London; declaring that if ten subsidies would not serve, twenty should; if twenty were not enough, thirty would be forthcoming. And if words would equip armies and keep them in fighting trim, the Palatinate would have been easily recovered. It remained to be seen whether, when it came to the point, ten subsidies would be easily raised; and a declaration like this, hastily adopted at the close of a session in the course of which (but for their fury against Edward Lloyde) it might have seemed that they had forgotten the Palatinate altogether, was not a security that could be relied upon. Still it was valuable as far as it went. They had got through a session without any open quarrel with the King, which was matter for congratulation. And the results were fairly summed up by Sir Henry Savile in a letter to Carleton, a few days after.

"We have made an end of our session of Parliament, where nothing is passed but 18 or 20 weeks (as Popham said to Q. Elizabeth) and 2 subsidies, besides some censures upon great persons. I am sorry for the persons, but *exemplum placet*. The like hath not been done these 500 years. I send you here a declaration of the Commons House made to the King touching your affairs *par de la*. It is not nothing, though you will say it is not much. At least it declareth the good and perfect union between the King and his subjects."[2]

It was the passing of this Declaration that made it "a day of great honour to his Majesty."

To the Marquis of Buckingham.[3]

My very good Lord,

I hear yesterday was a day of very great honour to his Majesty, which I do congratulate. I hope also his Majesty may reap honour out of my adversity, as he hath done strength out of my prosperity. His Majesty knows best his own ways, and for me to despair of him were a sin not to be forgiven. I thank

[1] C. J. p. 639. [2] S. P. vol. cxxi, no. 85. 7th June, 1621.
[3] Gibson Papers, vol. viii. f. 219. Rough draught in Bacon's hand. No fly-leaf. Indorsed "To my Lo. Buckingham after my troubles."

God I have overcome the bitterness of this cup by Christian resolution, so that worldly matters are but mint and cumin.

God ever preserve you.

2.

Bacon had gone from the Tower to Sir John Vaughan's house at Fulham — the house (says Chamberlain) that was Sir Thomas Smith's[1]—and having partly recovered his health, was at leisure to review his position and consider how to make the best of what remained. It was no pleasant survey either in the retrospect or the prospect. Surprised and incredulous as he had been at first, when in the middle of his fullest sea and fairest weather he found himself suddenly among the breakers, it was now full two months since he had seen the whole length and breadth of his mischance: and to a man who was not a worldling, I suppose a more mortifying and irritating mischance could hardly have happened. Had it been merely a political overthrow, it would have been mortifying enough, because of the issues which were at stake. Had the loss of fortune only and reputation in the world's eyes been added, especially if in consequence of any negligence or oversight of his own, it would have been so much the worse. But still he would have had Job's consolation: he could have boldly stood upon his integrity and challenged censure. But to see all go, and to feel that he had only himself and his own fault to blame, even though the blame were not much in itself, was a terrible catastrophe, when one considers all that it involved. A little leaven leaveneth the whole lump. That little drop of admitted guilt changed the whole colour of his life, past and to come. All his life he had had an eye to the future as well as to the present; had been labouring to set patterns for imitation, and to give the weight of his example and authority to precedents of reform: and I am persuaded for my own part that, if he had died before Christmas 1620, his example and authority upon all questions of business, politics, administration, legislation, and morals, would have stood quite as high and been as much studied and quoted, and with quite as good reason, as it has upon questions purely intellectual. All his life he had been studying to know and to speak the truth; and I doubt whether there was ever any man whose evidence upon matters of fact may be more absolutely relied on, or who could more truly say with Kent in Lear—

> All my reports go with the modest truth;
> Nor more, nor clipp'd; but so.

[1] Bacon's early friend, who died in December 1609. See Vol. IV. p. 139.

All his life he had thought more of his duty than his fortune; setting an example of unwearied alacrity in all willing service, of moderation in personal claims and pretensions, of cheerful submission under personal disappointments; doing with his heart whatever his hand found to do, without consideration of reward. It must have been a bitter hour, when he looked round him and saw that all this was to go for nothing, or worse than nothing; that for his best virtues he could never more either ask or expect credit with the world, but must expect on the contrary that they would be turned to his prejudice, each virtue being laid to the account of the vice which it most resembled. The fatal word 'corruption' was written indelibly against his name, and he knew that all his actions would be interpreted by the world accordingly,—that is, in the worst sense; willing service would pass for servile officiousness; honourable desire of station and power, for mercenary and selfish ambition; professions of honesty and disinterestedness, for hypocritical affectation; his ways would be pointed at as examples to be shunned, not followed; his words and judgments as to be suspected, not believed. *Corruptio optimi pessima.* He knew the nature of popular judgment too well to look for any better issue. That along with his reputation he had lost the means of living was a serious aggravation. For he had spent his income so freely that he had laid by nothing and was far in debt: and the vocation to which he was now called was one by which money could not be made, yet which could not be pursued successfully without. Leisure and peace of mind are indispensable conditions of successful study: and they cannot be enjoyed by a man who is in continual trouble for means to quiet his creditors and pay his weekly bills. Hopes however and encouragements were not altogether wanting, and about the call itself there could be no doubt. It was to contribute what he could to the realization of the sacred vision of his early youth; which had attended him through all his fortunes; in which he had lost neither faith nor interest; the accomplishment of which he held to be merely a matter of time, and its importance beyond all measure or calculation. It was to prophesy and prepare the way for the coming of the Kingdom of Man. All his life he had been wishing to be free to devote himself to this work, though the time had never come when some other service did not put in a claim which seemed at the moment to be more urgent. Being now, though not honourably, yet effectually discharged from other demands upon his activity, the first aspirations of returning health pointed to this; as we see in the few words addressed the next day to Gondomar, in acknowledgment of a letter expressing

regret that he had so little power to repay him in his adversity for the kindnesses which he had received from him in his prosperity; and offering, if he thought it would do any good, to engage the King of Spain to intercede with the King of England on his behalf:[1] an offer which could only be gratefully and handsomely declined.

To the Count Gondomar, Ambassador from the court of Spain.[2]

Illustrissime Domine Legate,

Amorem illustrissimæ Dominationis tuæ erga me, ejusque et fervorem et candorem, tam in prosperis rebus quam in adversis æquabili tenore constantem perspexi. Quo nomine tibi meritas et debitas gratias ago. Me verò jam vocat et ætas, et fortuna, atque etiam Genius meus, cui adhuc satis morosé satisfeci, ut excedens è theatro rerum civilium literis me dedam, et ipsos actores instruam, et posteritati serviam. Id mihi fortasse honori erit, et degam tanquam in atriis vitæ melioris. Deus illustrissimam Dominationem tuam incolumem servet et prosperam.

Servus tuus,

Fr. St. Alban.

6 Junii, 1621.

In the same spirit, and I suppose about the same time, he wrote to Toby Matthew, whose constant affection through all varieties of both their fortunes cannot but be thought greatly to the honour of both. What Matthew felt when he heard of the impeachment, and the issue of it, may be imagined by those who know his opinion of Bacon's character, as set forth only three years before for the information of the Grand Duke of Tuscany, in the dedicatory letter prefixed to an Italian translation of the Essays and Wisdom of the Ancients. In which after some account of his career and position, and a description of his intellectual powers, vigorously and justly

[1] Stephens's second collection, p. 517. The letter (printed from the original) is dated "Londres a 14 de Junio, 1621." The 14th, according to Gondomar's reckoning (who always used the new style), would be the 4th according to Bacon's, who always used the old.

[2] Gibson Papers, vol. viii. f. 168. Fair copy. No fly-leaf. Indorsed "Lo. St. Alb.'s answ. to C. Gondomar's letter."

Your Excellency's love towards me I have found ever warm and sincere alike in prosperity and adversity. For which I give you due thanks. But for myself, my age, my fortune, yea my Genius, to which I have hitherto done but scant justice, calls me now to retire from the stage of civil action and betake myself to letters, and to the instruction of the actors themselves, and the service of Posterity. In this it may be I shall find honour, and I shall pass my days as it were in the entrance halls of a better life. May God keep your illustrious Lordship safe and prosperous.—Your servant, F. St. A.

drawn, he goes on to say that the praise is not confined to the qualities of his intellect, but applies as well to those which are rather of the heart, the will, and the moral virtue; being a man most sweet in his conversation and ways, grave in his judgments, invariable in his fortunes, splendid in his expenses; a friend unalterable to his friends; an enemy to no man: a most hearty and indefatigable servant to the King, and a most earnest lover of the Public,—having all the thoughts of that large heart of his set upon adorning the age in which he lives, and benefiting as far as possible the whole human race.

"And I can truly say," he adds, "(having had the honour to know him for many years as well when he was in his lesser fortunes as now that he stands at the top and in the full flower of his greatness) that I never yet saw any trace in him of a vindictive mind, whatever injury were done him, nor ever heard him utter a word to any man's disadvantage which seemed to proceed from personal feeling against the man, but only (and that too very seldom) from judgment made of him in cold blood. It is not his greatness that I admire, but his virtue: it is not the favours I have received from him (infinite though they be) that have thus enthralled and enchained my heart, but his whole life and character; which are such that, if he were of an inferior condition I could not honour him the less, and if he were my enemy I should not the less love and endeavour to serve him."[1]

Matthew never had an opportunity of showing how he would have felt towards Bacon as an enemy, but he gave ample proof that the loss of greatness made no difference. His regard for him could hardly be greater than it had been before, and it certainly suffered no diminution. What words he wrote to him on hearing of the impeachment and the issue of it we do not know, but we may infer their tenor from the reply. What we have of it is probably only an extract, and is stripped as usual of all personal allusions and other particulars which might help to fix the exact date. But I think it suits this time better than any other. Matthew was still abroad, waiting impatiently for leave to return to England, which Digby was endeavouring to obtain for him.

[To MR. MATTHEW.[2]]

Sir,

I have been too long a debtor to you for a letter, and espe-

[1] *Saggi Morali del Signore Francesco Bacono, cavagliero Inglese, gran cancelliero d'Inghilterra.* In Londra, 1618.

[2] Matthew's collection, p. 69. Entitled "A letter of Sir Francis Bacon to a servant of his, in expression of great acknowledgment and kindness."

cially for such a letter, the words whereof were delivered by your hand, as if it had been in old gold. For it was not possible for entire affection to be more generously and effectually expressed. I can but return thanks to you; or rather indeed such an answer as may better be of thoughts than words. As for that which may concern myself, I hope God hath ordained me some small time, whereby I may redeem the loss of much. Your company was ever of contentment to me, and your absence of grief: but now it is of grief upon grief. I beseech you therefore make haste hither, where you shall meet with as good a welcome as your own heart can wish.

There was one other person to whom Bacon owed a letter of acknowledgment. The Prince had done what he could, though it was not much, first to induce the Lords to accept his submission and spare the sentence altogether, afterwards to move for an enquiry into the precedents of similar proceedings that they might be guided by them, and finally to mitigate the severity of the sentence which they proceeded in the absence of precedents to pronounce. The next letter expresses Bacon's sense of obligation for these favours.

To the Prince of Wales.[1]

It may please your Highness,

When I call to mind, how infinitely I am bound to your Highness, that stretched forth your arm to save me from a sentence; that took hold of me to keep me from being plunged deep in a sentence; that hath kept me alive in your gracious memory and mention since the sentence; pitying me as (I hope) I deserve, and valuing me far above that I can deserve; I find my words almost as barren as my fortunes, to express unto your Highness the thankfulness I owe. Therefore I can but resort to prayers to Almighty God to clothe you with his most rich and precious blessings, and likewise joyfully to meditate upon those he hath conferred upon you already; in that he hath made you to the King your father a principal part of his safety, contentment and continuance: in yourself so judicious, accomplished, and graceful in all your doings, with more virtues in the buds (which are the sweetest) than have been known in a young Prince, of long

[1] Stephen's second collection, p. 145. From the Register.

time; with the realm so well beloved, so much honoured, as it is men's daily observation how nearly you approach to his Majesty's perfections; how every day you exceed yourself; how, compared with other Princes which God hath ordained to be young at this time, you shine amongst them; they rather setting off your religious, moral, and natural excellencies, than matching them, though you be but a second person. These and such like meditations I feed upon, since I can yield your Highness no other retribution. And for myself, I hope by the assistance of God above (of whose grace and favour I have had extraordinary signs and effects during my afflictions) to lead such a life in the last acts thereof, as whether his Majesty employ me, or whether I live to myself, I shall make the world say that I was not unworthy such a patron.

I am much beholding to your Highness's worthy servant Sir John Vaughan, the sweet air and loving usage of whose house hath already much revived my languishing spirits; I beseech your Highness, thank him for me. God ever preserve and prosper your Highness.

Your Highness's most humble,
and most bounden servant,
FR. ST. ALBAN.

7 June, 1621.[1]

3.

To live to serve the King in one way or another was Bacon's professed desire and hope: but the first service which the King proposed to him contrasted strangely with the position in which he now stood. The man who had only escaped being hunted down as the aider and abettor of the most grievous monopolies, by being convicted of a higher crime,—namely corruption in one of the highest seats of judicature,—was called upon for advice as to the reformation of the Courts of Justice and the relieving of the grievances of the people. His answer to the call, which he has himself preserved, is not dated, but must have been written during this interval, while he was still allowed as a special favour to linger within the forbidden precinct

[1] In Stephens's copy the date is printed "1 June, 1621;" an impossible date, Bacon being then in the Tower. But in Stephens's *catalogue* (Add. MSS. 4259) I find the following entry which gives the true date—"7 June, 1621—(beginning) 'When I call to mind'—(subject) Thanks for his favours and a character of his person—(to whom addressed) The Prince."

of the verge. For we learn by the docket that it was "immediately after the breaking up of the first session of Parliament;" and the declaration which it recommends was to be made on "the morrow of this term"—that is, the day after the end of Trinity term, 1621; which was the 21st of June.

It will be observed that the reasons given at the conclusion for going no further into particulars, though pertinent and sufficient, are not those of a man eager to recover a political career; towards which the execution of such a task by the King's command for the King's service would undoubtedly have been a step.

To the King.[1]

It may please your Majesty,

For that your Majesty is pleased to call for my opinion concerning the sacred intention you have to go on with the reformation of your courts of justice, and relieving the grievances of your people, which your Parliament hath entered into; I shall never be a recusant (though I be confined) to do your service.

Your Majesty's Star-chamber, next your court of Parliament, is your highest chair. You never came upon that mount but your garments did shine before you went off. It is the supreme court of judicature ordinary; it is an open council. Nothing I would think can be more seasonable (if your other appointments permit it) than if your Majesty will be pleased to come thither in person, the morrow of this term (which is the time anniversary before the circuits and the long vacation) and there make an open declaration: That you purpose to pursue the reformation, which the Parliament hath begun.

That all things go well in all affairs, when the Ordinary and the Extraordinary are well mingled and tempered together. That in matters of your treasure you did rely upon your Parliament for the Extraordinary; but you were ever desirous to do what you could by improvements retrenchments and the like, to set the Ordinary in good frame and establishment. That you

[1] Gibson Papers, vol. viii. f. 251. Fair copy by Meautys. Docketed "Memor. for his Ma. service;" (this in Meautys's hand—then in Bacon's own) "immediately upon the breaking up of the first session of Parliament, about midsummer."

On the margin of the second page is written in Bacon's hand "Advice required by ye K. and returned touching the Reformation of Justice."

are of the same mind in matter of reformation of justice and grievance, to assist yourself with the advice and authority of Parliament at times, but meanwhile to go on with the same intentions by your own regal power and care. That it doth well in church-music when the greatest part of the hymn is sung by one voice, and then the quire at times falls in sweetly and solemnly, and that the same harmony sorteth well in monarchy between the King and his Parliament.

That all great reformations are best brought to perfection by a good correspondence between the King and his Parliament, and by well sorting the matters and the times; for in that which the King doth by his ordinary administration and proceedings, neither can the information be so universal, nor the complaint so well encouraged, nor the references many times so free from private affections, as when the King proceedeth by Parliament. On the other side, that the Parliament wanteth time to go through with many things; besides, some things are of that nature, as they are better discerned and resolved by a few than by many.

Again, some things are so merely regal, as it is not fit to transfer them; and many things, whereof it is fit for the King to have the principal honour and thanks.

Therefore that according to these differences and distributions, your Majesty meaneth to go on where the Parliament hath left, and to call for the memorials and inchoations of those things which have passed in both Houses, and to have them pass the file of your Council, and such other assistants as shall be thought fit to be called respectively according to the nature of the business, and to have your learned counsel search precedents what the King hath done for matter of reformation, as the Parliament hath informed themselves by precedents what the Parliament hath done: and thereupon that the clock be set, and resolutions taken; what is to be holpen by commission, what by act of council, what by proclamation, what to be prepared for Parliament, what to be left wholly to Parliament.

That if your Majesty had done this before a Parliament, it might have been thought to be done to prevent a Parliament; whereas now it is to pursue a Parliament; and that by this means many grievances shall be answered by deed and not by word; and your Majesty's care shall be better than any standing committee in this interim between the meetings of Parliament.

For the particulars, your Majesty in your grace and wisdom will consider, how unproper and how unwarranted a thing it is for me, as I now stand, to send for entries of Parliament, or for searches for precedents, whereupon to ground an advice. And besides what I should now say may be thought by your Majesty (how good an opinion soever you have of me) much more by others, to be busy or officious, or relating to my present fortunes.

A declaration was made in the Star-chamber on the day in question, but not by the King in person. The Lord Treasurer was deputed to say what was to be said; and no mention is made of this subject in the only notice of his speech that I have met with.

But though Bacon did not think it becoming, in his present condition, to assume the office of a Privy Councillor, he would have been very glad to be relieved from that clause in his sentence (otherwise altogether trivial, though very inconvenient to himself) which excluded him from the verge of the Court, and therefore from London and its neighbourhood, and for this, or at least for a longer respite, he petitioned the King. The King would have had no objection, I presume, on his own account to remit it altogether; but Dean Williams who had been selected for the new Lord Keeper, and whose advice was now in high esteem both with him and Buckingham, had a lively apprehension of the danger of offending Parliament, and it was not thought safe to grant any further indulgence so soon; and on the 23rd of June[1] Bacon retired to Gorhambury. The three letters which follow represent as much as we know of that negotiation, and of the state of his mind in preparing to meet his new fortune, and try what uses "leisure without honour" might be turned to; for I think Chamberlain's report that he seemed to have "no manner of feeling of his fall" must be rejected, as incompatible with the tone of his correspondence from beginning to end.

To the Marquis of Buckingham.[2]

My very good Lord,

Your Lordship I know, and the King both, mought think me very unworthy of that I have been, or that I am, if I should

[1] Chamberlain to Carleton, June 23. S. P.
[2] Stephens's second collection, p. 150. From the Register.

not by all means desire to be freed from the restraint which debarreth me from approach to his Majesty's person, which I ever so much loved and admired; and severeth me likewise from all conference with your Lordship, which is my second comfort. Nevertheless, if it be conceived that it may be matter of inconvenience or envy, my particular respects must give place; only in regard of my present urgent occasions, to take some present order for the debts that press me most, I have petitioned his Majesty to give me leave to stay at London till the last of July, and then I will dispose of my abode according to the sentence. I have sent to the Prince to join with you in it, for though the matter seem small, yet it importeth me much. God prosper you.

Your Lordship's true servant,

FR. ST. ALBAN.

20 June, 1621.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

I humbly thank your Lordship for the grace and favour you did both to the message and messenger, in bringing Mr. Meautys to kiss his Majesty's hands, and to receive his pleasure from himself.[2] My riches in my adversity have been, that I have had a good master, a good friend, and a good servant.

I perceive by Mr. Meautys his Majesty's inclination that I should go first to Gorhambury; and his Majesty's inclinations have ever been with me instead of directions. Wherefore I purpose, God willing, to go thither forthwith, humbly thanking his Majesty, nevertheless,[3] that he meant to have put my desire

[1] Stephens's second collection, p. 151. From the Register.

[2] Meautys appears to have been sent to Buckingham the day before with a letter. For there is an entry of one in Stephens's catalogue, which is thus described. Date, 21 June, 1621. Beginning "I find by Mr. Mewtis." Subject, 'about his going to settle at Gorhambury.' Or it may have been another draft of this.

[3] The rough draft of this letter which will be found in the Gibson Papers, vol. viii. f. 267—a draft in Bacon's own hand, indorsed "To Buck. upon bringing Mr. Meautys to kiss the King's hand"—differs little from this so far, but ends as follows:—"That he was graciously pleased to have acquainted my Lords with my desire, if it had stood me so much upon. But his Majesty knoweth best the times and seasons, and to his grace I commit and submit myself, desiring his Majesty and your Lordship to take my letters from the Tower as written *de profundis* and those I continue to write to be *ex aquis salsis*." From which it would seem that the King was willing to refer the petition to the Council, but not to grant it without their sanction.

in my petition contained, into a way, if I had insisted upon it; but I will accommodate my present occasions as I may, and leave the times and seasons and ways to his Majesty's grace and choice.

Only I desire his Majesty to bear with me if I have pressed unseasonably. My letters out of the Tower were *de profundis*, and the world is a prison if I may not approach his Majesty, finding in my heart as I do. God preserve and prosper his Majesty and your Lordship.

Your Lordship's faithful and bounden servant,

FR. ST. ALBAN.

22 June, 1621.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

I thank God I am come very well to Gorhambury, whereof I thought your Lordship would be glad to hear[2] sometimes; my Lord, I wish myself by you in this stirring world, not for any love to place or business, for that is almost gone with me, but for my love to yourself, which can never cease in

Your Lordship's most obliged friend
and true servant,

FR. ST. ALBAN.

Being now out of use and out of sight, I recommend myself to your Lordship's love and favour, to maintain me in his Majesty's grace and good intention.

4.

The true history of Bacon's remaining years is to be looked for in his books. To them, and to such information regarding them as Mr. Ellis or myself have been able to supply, I must refer those who want to know in what employments the rest of his life was spent. That portion of it which remains to be dealt with here (though it will not be thought ignoble or unworthy by any one who rightly considers what he was, and what he had to do) is for the most part very depressing and melancholy; for it is the history of a continual struggle to obtain by the help of others the means of pursuing the great purpose for which he now lived,—and generally a losing struggle. That

[1] Stephens's second collection, p. 152. From the Register.

[2] So in Stephens, but I suspect that the sentence was meant to end at "hear,' "sometimes" being the beginning of the next.

the pecuniary embarrassment into which his sudden fall plunged him, though it was the least part of his affliction, was nevertheless an embarrassment out of which it was necessary to emerge if possible, but by no means easy to find a way,—is a fact not to be overlooked. Neither is it to be forgotten that for such help as he stood in need of, not only his best chance but his most reasonable claim was from the King. His case was in all respects exceptional, and the King was well able to understand and appreciate the difference between him and the ordinary suitors whom he was so apt to oblige. He could appreciate not only the work which he had done, but that which he had yet to do, and which he only desired to be supplied with the means of doing. He knew that for the last 15 years he had been the most laborious, affectionate, zealous, attentive, faithful, and modest of servants, and the most moderately rewarded—having scarcely ever been a suitor except for some hard-working office for the work of which no one else was so fit, and having received no other bounties. He knew that, however he might have increased his income by accepting gratuities which he ought to have refused, he had amassed no wealth. He knew what kind of work he could do in retirement, and the rare value which everything that he took in hand was likely to derive from his workmanship. If he could not quite share his faith in the new philosophy and the great things which it promised for mankind, there were other works in other fields of study of which he could well understand the worth and use, and how rarely qualified Bacon was to undertake them. And he knew that for the effectual performance of any work of this kind an unembarrassed income is one of the most indispensable conditions. This was all that was wanted, and it is difficult to believe that the King could not have found means of supplying it, without any risk of putting his Parliaments out of temper. In asking for so much, Bacon was asking him to do no more than all the after ages would have remembered to his honour. And I am inclined to think that he had received direct encouragement to look for it,—if not a distinct promise that he should have it. The rumour mentioned by Sir Anthony Ashley in his letter to Buckingham of the 12th of May,[1] though premature, appears to have had some foundation. Buckingham had not only taken Bacon's part throughout the debates on the impeachment (in which he was probably surprised to find how little power he had), but had refused to concur in the sentence. We learn from Elsing's notes that when it was put to the question whether the punishments set out in the four articles should be

[1] See above, p. 279. Note.

inflicted upon the Lord Viscount St. Alban or no, he was the single dissentient. And it seems very likely and quite in accordance with all we know of him, that in the freshness of his resentment at his defeat he should not only have determined, but let it be known that he had determined, to mitigate the severity of the sentence another way. Certain it is—at least I collect as much from evidence which seems to me conclusive and which will appear in its place—that Buckingham did at one time of his own accord hold out hopes to Bacon not only of a complete pardon and some help for his debts, but also of an annual pension of two thousand—probably three thousand—pounds; and no time seems so likely for such an intimation as immediately after the passing of the sentence.

This would have been enough to furnish him for the life of studious retirement—of "leisure without loitering"—in which he now desired to end his days. It remained for him to justify the promised bounty by showing that it would not be thrown away. With this view he looked round for some fit employment which might serve as earnest of his future course. Had he been in a condition to consult himself alone, he would no doubt have proceeded with the second or third part of the *Instauratio Magna*, which still held its place in his own judgment as the work fittest for himself and most profitable for the world, and made that his principal business. But, as things stood, it was necessary to consider also what the world would think; and the world had no such faith in the new philosophy as to take the promise in exchange for pensions. Looking therefore through the list of deficiencies noted in the *Advancement of Learning* for some work that could be executed speedily and would be appreciated at once, his thoughts settled chiefly upon two, as especially suitable both for himself and the time:—a history of England from the Union of the Roses to the Union of the Kingdoms; and a digest or recompilement of the laws. Both were works which he had long wished to see undertaken, and would probably long ago have undertaken himself, but that he wanted leisure for the one and assistance for the other. For assistance he must still wait upon other people's pleasure; but leisure, for a time at least, was now at his command. Accordingly he applied himself at once to the history of Henry the Seventh, and for the next three or four months we are to consider that as his real occupation, and the few letters which follow, and which I may leave to tell their own story, as the smaller cares and vexations which interrupted it.

To the Marquis of Buckingham.[1]

My very good Lord,

I thought it my duty to take knowledge to his Majesty from your Lordship by the inclosed, that, much to my comfort, I understand his Majesty doth not forget me nor forsake me, but hath a gracious inclination to me, and taketh care of me; and to thank his Majesty for the same. I perceive by some speech that passed between your Lordship and Mr. Meautys, that some wretched detractor hath told you that it were strange I should be in debt; for that I could not but have received an hundred thousand pounds gifts since I had the seal; which is an abominable falsehood. Such tales as these made St. James say that the tongue is a fire, and itself fired from hell, whither when these tongues shall return, they will beg a drop of cold water to cool them. I praise God for it, I never took penny for any benefice or ecclesiastical living, I never took penny for releasing any thing I stopped at the seal, I never took penny for any commission or things of that nature, I never shared with any servant for any second or inferior profit. My offences I have myself recorded; wherein I studied, as a good confessant, guiltiness and not excuse; and therefore I hope it leaves me fair to the King's grace, and will turn many men's hearts to me. As for my debts, I shewed them your Lordship, when you saw the little house and the gallery,[2] besides a little wood or desert, which you saw not. If these things were not true (although the joys of the penitent be sometimes more than the joys of the innocent) I could not be as I am.

God bless you, and reward you for your constant love to me.

I rest, &c.,

To the King.[3]

It may please your most excellent Majesty,

I perceive by my noble and constant friend the Marquis, that your Majesty hath a gracious inclination towards me, and taketh

[1] Gibson Papers, vol. viii. f. 270. Rough copy in Bacon's hand. Docketed (as if on the outside of a bundle) "Copies of my lres. to my Lo. of Buckingham." No date.

[2] Verulam House, I suppose.

[3] Stephens's second collection, p. 152. Not stated where from.

care of me, for fifteen years the subject of your favour, now of your compassion; for which I most humbly thank your Majesty. This same *Nova Creatura* is the work of God's pardon and the King's; and since I have the inward seal of the one, I hope well of the other.

Utar, saith Seneca to his Master, *magnis exemplis; nec meæ fortunæ, sed tuæ.* Demosthenes was banished for bribery of the highest nature, yet was recalled with honour; Marcus Livius[1] was condemned for exactions, yet afterwards made Consul and Censor. Seneca banished for divers corruptions;[2] yet was afterwards restored, and an instrument of that memorable *Quinquennium Neronis.* Many more. This, if it please your Majesty, I do not say for appetite of employment, but for hope that if I do by myself as is fit, your Majesty will never suffer me to die in want or dishonour. I do now feed myself upon remembrance, how when your Majesty used to go a progress, what loving and confident charges you were wont to give me touching your business. For as Aristotle saith, young men may be happy by hope, so why should not old men, and sequestered men, by remembrance? God ever prosper and preserve your Majesty.

Your Majesty's most bounden and devoted Servant,

FR. ST. ALBAN.

16 July, 1621.

TO THE MARQUIS OF BUCKINGHAM.[3]

My very good Lord,

I have written, as I thought it decent for me to do, to his Majesty the letter I send inclosed. I have great faith that your Lordship now nobly and like yourself will effect with his Majesty. In this the King is of himself, and it hath no relation to Parliament. I have written also, as your Lordship advised me [to the Prince],[4] only touching that point of means. I have lived hitherto upon the scraps of my former fortunes; and I shall not be able to hold out longer; therefore I hope your Lord-

[1] Marcus Livius Salinator. See Livy, xxvii. 34 and xxix. 37.

[2] "Exulavit ob adulteria aliquarum principum fœminarum." *De Vita et Morte,* vol. iii., p. 146.

[3] Gibson Papers, vol. viii. f. 236. Copy, corrected by Meautys.

[4] I have supplied the words within brackets, which have evidently been omitted by a slip of the pen.

ship will now, according to your loving promises and hopes given, settle my poor fortunes, or rather my being. I am much fallen in love with a private life; but yet I shall so spend my time, as shall not decay my abilites for use.

God preserve and prosper your Lordship.

TO THE KING.[1]

It may please your Majesty.

Now that your Majesty hath passed the recreations of your progress, there is nevertheless one kind of recreation, which (I know) remaineth with your Majesty all the year, which is, to do good, and to exercise your clemency and beneficence. I shall never measure my poor services by the merit, which perhaps is small; but by the acceptation, which hath been always (favourably) great. I have served your Majesty now seventeen years; and since my first service (which was in the commission of the Union), I received from your Majesty never chiding or rebuke; but always sweetness and thanks. Neither was I in these seventeen years ever chargeable to your Majesty, but got my means in an honourable sweat of my labour,[2] save that of late[3] your Majesty was graciously pleased to bestow upon me the pension of twelve hundred pounds, for a few years; for in that other poor prop of my estate, which is the farm of the petty writs, I improved your Majesty's revenue by four hundred pounds the year. And likewise, when I received the seal, I left both the Attorney's place, which was a gainful place, and the Clerkship of the Star-Chamber which was Queen Elizabeth's favour, and was worth twelve hundred pounds by the year, which would have been a good commendam. The honours which your Majesty hath done me have put me above the means to get my living; and the misery I am fallen into hath put me below the means to subsist as I am. I hope my courses shall be such, for this

[1] Gibson Papers, vol. viii. f. 155. Fair copy in Bacon's hand, docketed by himself, "Cop. of my lre. to the K after the progress." It seems to have been written to go, being too fair and stately for a copy. But there are one or two trifling alterations in it, on account of which he may have rewritten it. At p. 242 of the same volume is the rough draught, also in Bacon's hand. And at p. 235 another copy, in another hand.

[2] The words "in those places which you bestowed upon me," which followed in the draught are omitted in the fair copy.

[3] The words "after my great sickness (which I wish had had his period)" follow here in the draught, but have a line drawn through them.

little end of my thread which remaineth, as your Majesty in doing me good may do good to many, both that live now, and that shall be born hereafter. I have been the keeper of your seal, and now am your beadsman. Let your own royal heart and my noble friend speak the rest.

God preserve and prosper your Majesty,

Your Majesty's faithful

poor servant and beadsman,

Fr. St. Alban.[1]

5 September, 1621.

To the Prince.[2]

May it please your Highness,

I cannot too oft acknowledge your Highness's favour in my troubles, but acknowledgement now is but begging of new favour; yet even that is not inconvenient; for thanksgiving and petition go well together, even to God himself; my humble suit to your Highness is[3] that I may be thought on for means to subsist; and to that purpose, that your Highness will join with my noble friend to the King. That done, I shall ever be ready, either at God's call or his Majesty's, and as happy, to my thinking, as a man can be, that must leave to serve such a King.

God preserve and prosper your Highness.

[1] Here the fair copy ends. The draught has the following P.S., which was printed by Birch, but made unintelligible by the misreading of 'God' for 'men' in the last sentence.

"Cardinal Wolsey said, that if he had pleased God as he pleased the King, he had not been ruined. My conscience saith no such thing; for I know not but in serving you I have served God in one. But it may be, if I had pleased men as I have pleased you, it would have been better with me."

[2] Gibson Papers, vol. viii. f. 287. Copy, corrected by Meautys and docketed, "1621. A copy of 3 lres., one to his Ma: one to the Prince, and one to my Lo. Marq[s] Buck." Underneath, in another hand, "Letters to the King." On the back, in Meautys's hand, the following notes, written no doubt to dictation, and meant for his own direction.

"Bpp. Winchester, Durham, London, Lo. Duke, Lo. Hunsden.

"Lo. Chamberlain, to thank him for his kind remembrance, by you; and though in this private fortune I shall have use of few friends, yet I cannot but acknowledge the moderation and affection his Lordship shewed in my business, and desire that of those few his Lordship will still be one for my comfort, in whatsoever may cross his way, for the furtherance of my private life and fortune.

"Mr. John Murray. If there be any thing that may concern me that is fit for him to speak and me to know, that I may receive it by you.

"Mr. Maxwell. That I am sorry, that so soon as I came to know him, and to be beholding to him, I wanted power to be of use to him.

"Lord of Kelly, and to acquaint him with that part touching the confinement."

[3] So written originally in the MS. and so it was meant ultimately to stand, but in the course of a correction and recorrection the word 'is' has been accidentally struck out.

5.

Of the notes on the back of the last letter, which I suppose to be memoranda of messages which Meautys was to deliver to the persons named, it will be seen that the last reminds him to acquaint the Lord of Kelly—that is Sir Thomas Erskine—"with that part touching the confinement." The confinement was the prohibition to come within the verge of the Court; which included among other things a prohibition to come within Sir Robert Cotton's library, where materials for the history of Henry the Seventh most abounded; not to mention the other collections of original records, which all lay within the forbidden circle. This alone would have been a sufficient ground for desiring a suspension of the prohibition at this time; but it would hardly perhaps have been appreciated by Parliaments and politicians: and the more ordinary requirements of health and business were alleged in preference. The following warrants,—copies in the hand of John Locker without any note of the originals, but probably part of Robert Stephens's collections,—will show with what success. I suppose they were drawn up by Bacon himself.

A LICENCE UNDER HIS MAJESTY'S SIGNATURE FOR YOUR LORDSHIP'S STAY AT LONDON FOR SIX WEEKS.[1]

Right trusty and right well-beloved, We greet you well. Understanding that the necessity of your own private affairs requireth your repair to our city of London for some convenient time: we are well pleased to give you our licence to come to our said city and to abide there for the space of one month or six weeks, for the settling of your estate and taking order for your debts. Given at our Court at Wanstead, the 13th Sept. 1621.

A WARRANT UNDER HIS MAJESTY'S SIGNATURE FOR MY LORD ST. ALBAN'S STAY AT SIR JOHN VAUGHAN'S.[2]

Right trusty and well-beloved, We greet you well. Whereas by sentence of our Court of Parliament you stand confined not to come within the verge: Forasmuch as we know well your abode hath been during your whole life in or near about Lon-

[1] Additional MSS. 4259. [2] Id. Ib.

don, and that we understand from you that at this time your broken estate of health requireth that you be near help of physicians, and also that the settling the estate of your debts now in this time of your troubles doth also require your stay in or near London: We of our grace and compassion, desiring to preserve both your person and state from ruin, do grant and licence you to be and remain at Sir John Vaughan's house at Parson's Green, the said clause of confinement notwithstanding. For which this shall be your sufficient warrant and discharge. Given at our Court at Theobalds, 13th Sept. 1621.

These warrants were followed in a few days by another of more importance: important enough, as it proved, to alarm the new Lord Keeper and produce a remonstrance and delay. A fine to the Crown gave the Crown a first claim upon a man's goods. Until all was paid, the Crown could forbid any other claimant to interfere with them. The King consented to make an assignment to persons nominated by Bacon himself, of the fine imposed by Parliament;—thus not only forbearing to exact it, but making it serve as a protection to him against his other creditors. He consented at the same time to grant him such a general pardon as was usually granted at coronations or such times—a discharge in effect from all liabilities for offences past; subject to particular exceptions; the exception in this case being the important one of the Parliamentary sentence.

A WARRANT TO MR. ATTORNEY FOR AN ASSIGNMENT OF YOUR LORDSHIP'S FINE.[1]

Trusty and well-beloved, We greet you well. Our will and pleasure is that you draw up a book in due form containing an assignment from us of the Viscount of St. Alban's fine unto such persons as he himself shall nominate. And also another book containing a Coronation pardon unto him, with an exception nevertheless of the sentence given in our high Court of Parliament, and prepare them both for our signature. Given at our Court at Theobalds the 20th day of Sept. 1621.

6.

So far, Bacon's prospects seemed to be improving; and inasmuch

[1] Add. MSS. 4259.

as they depended on himself—upon the worthy and diligent execution of the task which he had undertaken—more could not have been desired of him. I had occasion in the last volume to compare Chamberlain's report of what was 'the general opinion' of Bacon's qualifications for the Chancellorship when he first became Lord Keeper—namely, that he had "so tender a constitution both of body and mind that he would hardly be able to undergo the burden of so much business as his place required"—with the result of his first half-year's administration; which was the clearing off for the first time within living memory of all arrears.[1] We now have an opportunity of comparing his report of the state of mind in which Bacon retired to Gorhambury at Midsummer, with the result of his work there during the next three months. On the 23rd of June he is reported (and I do not doubt that it was a correct report of the 'general opinion') to have left Parson's Green for Gorhambury, "having (as should seem) no manner of feeling of his fall, but continuing as vain and idle in all his humours as when he was at highest." On the 8th of October, he was ready to send a fair manuscript of his 'History of Henry the Seventh' to the King:—a work which, done under every advantage, would have been a rare specimen of skill, diligence, and spirit in the workman; but for which, begun as it was immediately after so tremendous an overthrow, and carried on in the middle of so many difficulties in the present and anxieties for the future—it would be hard to find a parallel. Though not one of his works which stand highest either in reputation or popularity with later times,—being neither generally read (an accident which it shares with most of the others) nor generally supposed to be of great value (in which it is more singular),—it has done its work more effectually perhaps than any of them. None of the histories which had been written before conveyed any idea either of the distinctive character of the man or the real business of his reign. Every history which has been written since has derived all its light from this, and followed its guidance in every question of importance; and the additional materials which come to light from time to time, and enable us to make many corrections in the history of the events, only serve to confirm and illustrate the truth of its interpretation of them. I can speak on this point with some confidence, for in editing it (now fifteen years ago) I took great pains both to examine the authorities and point out the errors; and always found that the correction of the story brought it into better accordance with Henry's character as Bacon drew it and his policy as he interpreted

[1] Vol. VI. pp. 200, 208.

it. And if M. Bergenroth's calendar of Spanish state papers had been then published, I should have had a good deal more to do in the same way, and with the same result.[1] Situated as he was, and excluded from access to all the original records, it could not be a work of research. He had to take the facts from Polydore Vergil and the old chroniclers who followed him with unsuspecting faith,—correcting nothing and adding very little,—almost as he found them; and to discover their meaning by his own inner light. But as a study of character in action and a specimen of the art of historical narrative, it comes nearer to the merit of Thucydides than any English history that I know. It was not published till the following year, but the next letter shows that the manuscript was finished before the 8th of October.

To the King.[2]

It may please your most excellent Majesty,

I do very humbly thank your Majesty for your gracious remission of my fine. I can now (I thank God and you) die, and make a will.

I desire to do, for the little time God shall send me life, like the merchants of London, which when they give over trade, lay out their money upon land. So being freed from civil business, I lay forth my poor talent upon those things which may be perpetual, still having relation to do you honour with those powers I have left.

I have therefore chosen to write the Reign of King Henry the 7th, who was in a sort your forerunner, and whose spirit, as well as his blood, is doubled upon your Majesty.

I durst not have presumed to intreat your Majesty to look over the book and correct it, or at least to signify what you would have amended. But since you are pleased to send for the book, I will hope for it.

[[3] God knoweth, whether ever I shall see you again; but I will pray for you to the last gasp, resting]

The same, your true beadsman,

Fr. St. Alban.

8 October, 1621.

[1] See a paper in 'Fraser's Magazine' for May, 1863: in which I have attempted to give a full history of the negotiation between England and Spain for the marriage of Prince Arthur and the Infanta Katherine: a history full of new illustrations of the character of both the Kings.

[2] Gibson Papers, vol. viii. f. 150. Draught or copy in Bacon's fair hand; intended probably to go, but cancelled on resolving to strike out the last paragraph. No fly-leaf. Indorsed "To the K. of thanks for the remission of his fine."

[3] This paragraph has a line drawn over it.

7.

It might be thought that a work of this order, being the fruit of a single long vacation, would have been held to justify the writer in asking for means to pursue that calling in comfort: so much comfort, at least, as was necessary to enable him to pursue it with effect and advantage. But his evil fate had not yet done with him. He had just lost a good friend at the Treasury and got a bad one in exchange. On the 28th of September Mandeville gave up the Lord Treasurer's staff and was made President of the Council. "I cannot learn any cause of his displacing," says Chamberlain, 13th October, "though some talk of corruption, others of unfitness; but the likeliest is to make room for the Lord Cranfield now in place, whom the King in his piercing judgment finds best able to do him service." Whatever service he might do the King, ill-service was the best that Bacon could expect from him. What was the cause, I do not know,—probably some collisions of opinion when they were on the Treasury Commission together,—but Cranfield had long shown an unfriendly feeling and acted an unfriendly part towards Bacon, and being a man of great ability in his way, and now in so great a place, was sure to do him mischief. The choice of his own successor also was no very fortunate one for him. But the worst was, that he had the misfortune about this time to give a personal offence, without the least intending or even knowing of it, to Buckingham himself: whom, though the matter was a very small one, it put into a humour which must have reminded Bacon in a lively but unpleasant way of the summer of 1617, when he fell out with him for thinking that the proposed marriage between his brother and Coke's daughter would be impolitic and inconvenient. In this case as in that, it was a private and domestic difference,—and it must be said for Buckingham that he never (so far as I know) made a personal quarrel of any disagreement between them upon questions of public policy or administration, though such disagreements did once or twice occur,—but it was a trial which his temper would not bear. He had a fancy to buy York-house; and it is not unlikely, considering Bacon's present condition and prospects, that in offering to treat for it he thought he was doing him a kindness and a courtesy. Bacon unfortunately saw it in a different light. Having received hopes from Buckingham himself of a provision which would enable him to live like a gentleman, and knowing how destructive of respect among men all outward signs of poverty are in those who *have been* better off, he had not thought that he would be willing to see him turned out of his house; and it may be suspected (for we have no

record of the first interchange of communications) that his answer expressed something more than unwillingness. The effect will be seen in the next letter, where a peculiar kind of sullen politeness, into which Buckingham (whose *manners* were always good) was apt to fall when suffering under a sense of injury,—the "enforcèd ceremony" which marks "a hot friend cooling"—gives the first token of a long and most childish and unreasonable displeasure, of which we shall see a great deal more as we go on, and which was never quite cured.

To the Lord St. Alban.[1]

My honourable Lord,

I have delivered your Lordship's letter of thanks to his Majesty, who accepted it very graciously, and will be glad to see your book, which you promise to send very shortly, as soon as it cometh. I send your Lordship his Majesty's warrant for your pardon, as you desired it; but am sorry that in the current of my service to your Lordship there should be the least stop of any thing; yet having moved his Majesty, upon your servant's intimation, for your stay in London till Christmas, I found his Majesty, who hath in all other occasions, and even in that particular already, to the dislike of many of your own friends, shewed with great forwardness his gracious favour towards you, very unwilling to grant you any longer liberty to abide there; which being but a small advantage to you, would be a great and general distaste, as you cannot but easily conceive, to the whole state. And I am the more sorry for this refusal of his Majesty's falling in a time when I was a suitor to your Lordship in a particular concerning myself, wherein though your servant insisted farther than I am sure would ever enter into your thought, I cannot but take it as a part of a faithful servant in him. But if your Lordship or your Lady find it inconvenient for you to part with the house, I would rather provide myself otherwise than any way incommodate you, but will never slack any thing of my affection to do you service: whereof if I have not given you good proof, I will desire nothing more than the fittest occasion to shew how much I am

Your Lordship's faithful servant,
G. Buckingham.

This letter is not dated, but being written in answer to Bacon's of the 8th of October, it is not likely to have been later than the 12th, on which day the King signed at Royston a second warrant for a pardon, with an alteration. And this I suppose was "the pardon as Bacon desired it," the warrant for which was enclosed in the letter. On the 20th of September, the Attorney had been

[1] Harl. MSS. 7000, f. 69. Orig. Docketed by Bacon, "Buc. of his own hand."

required to prepare for the King's signature two "books,"—one for the assignment of the fine and the other for a coronation pardon. The first had been signed and passed the seal. But the second had been suspended, I suppose by Bacon's own desire, that the form might be altered. The following document, which I find among Robert Stephens's collections in Locker's hand, (Additional MSS. 4259, f. 109,) appears to be this new warrant enclosed in Buckingham's last letter.

A WARRANT TO MR. ATTORNEY FOR THE DRAWING UP A PARDON FOR THE L. VISCT. ST. ALBAN.

Trusty and well-beloved, we greet you well. Our will and pleasure is that you draw up a book containing a pardon to the Viscount of St. Alban, either after the form of a coronation pardon, or of the pardon we lately granted to Sir Robert Cotton, Knt., at the choice of the said Viscount; with an exception nevertheless of the sentence given in our High Court of Parliament; and prepare the same for our signature.[1] Given at our Court at Royston, 12 Oct., 1621.

To our trusty and well-beloved,
Sir Thos. Coventry, Knt., our Attorney-General.

This was a piece of good service as far as it went; but the licence to remain in London had only a fortnight to run, and the unlucky affront in the matter of York House, was not the only thing which now stood in Bacon's way. Williams, having taught Buckingham how to escape the hunt after the monopolists by joining the hunters, and having been rewarded for the service by the woolsack, was now in possession of his ear, and continued to work upon the one idea which had served him so well. Parliament was to meet again in November, and the one thing to be cared for was that nothing should be done which Parliament could take amiss. In an undated letter, printed in the *Cabala*, which must have been written about this time,[2] he writes to him:—

"I humbly beseech your Lordship to meddle with no pardon for the Lord St. Alban until I shall have the happiness to confer with your Lordship. The pardoning of his fine is much spoken against, not for the

[1] According to the 'Calendar of State Papers' there is in the Docquet book Oct. 16, 1621, "Grant to Visct. St. Alban of a pardon *to be* drawn after form of the pardon lately granted to Sir R. Cotton," etc.

[2] Not before the 9th of October, when he took his seat in Chancery (see Camden): not many days after, because it enclosed a copy of his speech.

matter (for no man objects to that), but for the manner, which is full of knavery, and a wicked precedent. For by this assignation of his fine he is protected from all his creditors, which (I dare say) was neither his Majesty's nor your Lordship's meaning."[1]

This I fancy was a mistake; for the King knew the object of the assignation well enough, and meant no doubt to help Bacon, not to cheat his creditors, but to prevent them from coming upon him all at once and selling him up. He had contracted debts which he could not pay as he intended, because the greater part of his means and all his credit had been suddenly taken away; but if they did not seize all the rest all at once, he might pay them in time.

However, the assignation was passed; and the pardon having been drawn up by the Attorney-General according to the warrant, and signed by the King on the 17th, was presented to the seal. A copy of the docket is preserved among the Cotton MSS. and runs thus:[2]—

A special pardon granted unto Francis, Viscount St. Alban, for all felonies done and committed against the common laws and statutes of this realm; and for all offences of præmunire; and for all misprisions, riots, routs, conspiracies, extortions, counterfeiting of deeds or writings, perjuries, subornations of perjuries, receiving of moneys or rewards, embracing, champerties, and maintenances; and for all offences of taking away, detaining, or looking into any of the King's letters or any others; and for all rasing, embezzling, or interlining of any records, writings, or warrants, and for all suits and causes ecclesiastical, and for all usury and corrupt bargains, and also all contempts, concealments, deceits, and other like offences, and for all utlawries, and all fines and amerciaments for any of the premisses, with a restitution of all his lands and goods forfeited by reason of any of the premisses; Except out of the same pardon all treasons, murders, rapes, and incest; and except also all fines, imprisonments, penalties, and forfeitures, adjudged against the said Viscount St. Alban, by a sentence lately made in the Parliament. Teste Rege apud Westm. 17 die Octob. anno Regni sui 19.

Per lettre de privato sigillo.

The preamble of this patent[3] (for a copy of which I am indebted to Mr. Gardiner) I should suppose to be Bacon's own composition.

Cum prædilecto consanguineo nostro Francisco Vicecomite St. Alban propositum sit deinceps vitam degere quietam et tranquillam in studiis et contemplatione rerum, atque hoc modo etiam posteritati inservire, cujus rei per scripta sua jampridem

[1] 'Cabala,' p. 287. [2] Cotton MSS. Tit. B. vii. f. 444.
[3] See Patent Rolls, 19 Jac. I., part 16.

edita specimen de se præbuit non vulgare, nos pietate moti et plenam pacem nostram et securitatem prædicto Francisco præstare et concedere volentes, etc.

The next day Bacon received the following letter from the Lord Keeper;[1] which sufficiently explains those which come after.

My very good Lord,

Having perused a privy seal containing a pardon for your Lordship, and thought seriously thereupon, I find that the passing of the same (the assembly in parliament so near approaching) cannot but be much prejudicial to the service of the King, to the honour of my Lord of Buckingham, to that commiseration which otherwise would be had of your Lordship's present estate, and especially to my judgment and fidelity. I have ever affectionately loved your Lordship's many and most excelling good parts and endowments, nor had ever cause to disaffect your Lordship's person, so as no respect in the world beside the former considerations could have drawn me to add the least affliction or discontentment unto your Lordship's present fortune. May it therefore please your Lordship to suspend the passing of this pardon until the next assembly be over and dissolved, and I will be then as ready to seal it as your Lordship to accept of it, and in the mean time undertake that the King and my Lord Admiral shall interpret this short delay as a service and respect issuing wholly from your Lordship; and rest in all other offices whatsoever,

Your Lordship's faithful servant,

Jo. LINCOLN, elect. Custos Sigilli.

Westminster College,
18 October, 1621.

To THE LORD KEEPER.[2]

My very good Lord,

I know the reasons must appear to your Lordship many and weighty which should move you to stop the King's grace, or to dissuade it; and somewhat the more in respect of my person, being I hope no unfit subject for noble dealing. The message I received by Mr. Meautys did import inconvenience in the form of the pardon; your Lordship's letter, in the time: for as for the matter, it lay so fair for his Majesty's and my Lord of Buckingham's own knowledge, as I conceive your Lordship doth not aim at that. My affliction hath made me understand myself better and not worse; yet loving advice I know helps well. Therefore I send Mr. Meautys to your Lordship that I may reap so much riper fruit of your Lordship's professed

[1] Gibson Papers, vol. viii. f. 153. Original. Docketed by Bacon, "L. Keepers lre."

[2] Gibson Papers, vol. viii. f. 152. Draught in Bacon's hand. No fly-leaf. Indorsed "My answer to Lo. Keeper's letter."

good affection, as to know in some more particular fashion, what it is that your Lordship doubteth or disliketh, that I may the better endeavour your satisfaction, or acquiesce if there be cause. So I rest

Your Lordship's to do you service,

FR. ST. ALBAN.

18 October, 1621.

TO THE MARQUIS OF BUCKINGHAM, HIGH ADMIRAL OF ENGLAND.[1]

My very good Lord,

An unexpected accident maketh me hasten this letter to your Lordship, before I could dispatch Mr. Mewtis; it is, that my Lord Keeper hath stayed my pardon at the seal. But it is with good respect. For he saith it shall be private, and that he would forthwith write to your Lordship, and would pass it if he received your pleasure; and doth also show his reason of stay, which is, that he doubteth the exception of the sentence of Parliament is not well drawn, nor strong enough; which if it be doubtful, my Lord hath great reason. But sure I am, both myself, and the King, and your Lordship, and Mr. Attorney, meant clearly, and I think Mr. Attorney's pen hath gone well. My humble request to your Lordship is, that for my Lord's satisfaction Mr. Solicitor may be joined with Mr. Attorney, and if it be safe enough, it may go on, if not, it may be amended. I ever rest

Your Lordship's most obliged friend,
and faithful servant,

FR. ST. ALBAN.

18 October, 1621.

[1] Fortescue Papers. Original: own hand. There is a draft of this letter among the Lambeth papers, (Gib. Pap. viii. f. 151,) very fairly written, and dated 17 Oct. 1621. Substantially it is the same, but there are so many variations in the expression, that it may be worth while to give a copy of the whole—the history of the transactions being obscure and resting partly upon a verbal message sent by Meautys of which we have no record.

"My very good L. An unexpected accident maketh me hasten this letter to your Lordship before I could despatch Mr. Meautys. It is that my Lord Keeper hath stayed my pardon at the seal. It seemeth to be in a good fashion and with good respect, for he keepeth it private and showeth his reason, which if it should be doubtful, is very just. For he doubteth the exception of the sentence of the Parliament is not strong enough; which my law and Mr. Attorney's telleth us it is. And sure I am, your Lordship, and I and the King and Mr. Attorney meant it clearly. His Lordship said he would forthwith write to your Lordship about it. I humbly pray your Lordship that for my Lord's satisfaction Mr. Solicitor may be joined with Mr. Attorney, and if the draught be good it may go on, otherwise it may be amended. I ever rest," etc.

TO THE LORD ST. ALBAN.[1]

My honourable Lord,

I have brought your servant along to this place, in expectation of the letter from the Lord Keeper, which your Lordship mentioneth in yours; but having not yet received it, I cannot make answer to the business you write of; and therefore thought not fit to detain your man here any longer, having nothing else to write, but that I always rest

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Hinchingbrook, 20 Oct. 1621.

Williams having already expressed his opinion to Buckingham strongly enough, and in a very different spirit though to the same effect, did not think it necessary, I suppose, to write again. Or it may be that the communication which he undertook to make depended upon Bacon's consent to the stay of his pardon. Hearing no more from him, it seems that Buckingham wrote to enquire why the pardon was not sealed; and on the 27th of October received the following answer.

My most noble Lord,

I have received your Lordship's expression concerning the pause I made upon the two patents; the Proclamation of writing to the King's hand, and my Lord of St. Alban's pardon. The former I have sealed this morning in duty and obedience to your Lordship's intimation. The latter I have not yet sealed, but do represent (in all lowliness and humility) these few considerations by your Lordship to his sacred Majesty, wherein let your Lordship make no question but I have advised with the best lawyers in the kingdom. And after this representation I will perform whatsoever your Lordship shall direct.

1. His Majesty and your Lordship do conceive that my Lord of St. Alban's pardon and grant of his fine came both together to my hands, and so your Lordship directs me to pass the one and the other. But his Lordship was too cunning for me. He passed his fine (whereby he hath deceived his creditors) ten days before he presented his pardon to the seal. So as now in his pardon I find his Parliament fine excepted, which he hath before the sealing of the same obtained and procured. And whether the house of Parliament will not hold themselves mocked and derided with such an exception, I leave to your Lordship's wisdom. These two grants are opposite and contradictory (in this point) the one to the other.

2. The King pardons in particular words all sums of money and rewards taken for false judgments or decrees. And therefore the exception of the Parliamentary censure (being inflicted but for the same taking of

[1] Harl. MSS. 7000, f. 75. Original. Docketed by Bacon, "1621. My L. lre. from Hinchingbro."

moneys and rewards) coming a good way after falleth too late in law, and is of no force to satisfy the Lords (as I am informed); and I believe this clause was never seen in any other pardon.

3. The King pardoneth in my Lord of St. Alban the stealing away, altering, rasing, and interlining of his Majesty's rolls, records, briefs, etc. which are more in a Lord Chancellor's pardon than the embezzling of his Majesty's jewels in a Lord Chamberlain's. And yet the Lord Chancellor Ellesmere could not endure that clause in my Lord of Somersert's pardon, unless he would name the jewels in particular.

4. I will not meddle or touch upon those mistakings which may fall between the Parliament and his Majesty, or the misinterpretations that enemies may make hereof to your Lordship's prejudice, because I see (in his Majesty's great wisdom) these are not regarded. Only I could have wished the pardon had been referred to the Council-board and so passed. I have now discharged myself of those poor scruples which (in respect only to his Majesty's service and your Lordship's honour) have wrought this short stay of my Lord of St. Alban's pardon. Whatsoever your Lordship shall now direct, I will most readily (craving pardon for this not undutiful boldness) put in execution. . . . .

What command soever your Lordship shall impose upon me as touching this pardon, your Lordship's expression to Mr. Packer or the bearer shall deliver it sufficiently. God from heaven continue, etc.

Oct. 27, 1621.[1]

Bishop Williams was a lawyer of some weeks' standing, but it must have needed all the learning he had acquired to explain what difference it could have made to Parliament if the assignation of the fine and the pardon had been presented to the seal together. If Parliament held itself mocked and derided by the transfer to Bacon's friends of the King's interest in his fine, and the conversion thereby into a relief of what they meant to be a punishment,—how should it have felt more mocked and derided because the transfer was *not* accompanied by a pardon with exception of the Parliamentary sentence? It would have been as reasonable to say that a pardon with exception of the sentence was a mockery and derision after his release from the Tower, because part of the sentence had been already remitted. The Bishop would have found, if he had looked, that Bacon's Parliament *imprisonment* was excepted in his pardon, —from which nevertheless "he had before the sealing thereof, obtained and procured" a release,—no less than his Parliament fine.

Nor is it easier to understand how the pardon "in particular words" of all such offences as the Parliamentary censure was inflicted for could take away the force of the excepting clause which came after; or what difference its "coming *a good way* after" could

[1] 'Cabala,' p. 287.

make, so long as it was there and applied to all that went before. If "all fines, imprisonments, penalties, and forfeitures, adjudged by the late sentence made in Parliament" were to be *excepted* from the pardon, how could the pardon (in words ever so particular) of such offences as those fines, imprisonments, etc., had been inflicted for, be construed to *include* them? It must surely have been the Bishop himself who had "fallen too late in law."

And as for Ellesmere's objection to the clause in Somerset's pardon, namely that it ought to have "named the jewels in particular" which he was pardoned for embezzling, it might have been asked whether the Bishop would have required Bacon to name in particular all the "rolls, records, briefs," etc., which he was pardoned for "stealing away, altering, rasing, and interlining."

All this was obvious enough, but Buckingham was in the sullens and was determined that Bacon should repent of having crossed his humour. And as the King could never *act* against the current of his Favourite's inclination, even where his judgment and his feelings were both against him, the Lord Keeper received no direction to seal the pardon, and Bacon remained (except for the remission of his fine) in a state of worse uncertainty than before. For though he would not yet believe that his unwillingness to part with York-house could have been the cause,[1] he saw in the delay a proof that Buckingham's favour was for some reason withdrawn from him for the time. I cannot satisfy myself as to the date of the sheet of notes which follows,—except that it must have been between the 20th of October and the 16th of December, and at some time when Bacon had leave to be in London. But though the exact date is uncertain, there is no doubt about its place in the series. He had asked for an interview with Buckingham, that he might find what was the matter and how he stood with him: and he set down in this paper a memorandum of what he meant to say.

MEMORIAL.[2]

Inducem[t]. My Lord Marquis,

Afflictions are truly called trials. Trials of a man's self, and trials of friends. For the first, I am not guilty

[1] It was one of the speculations of the time that Buckingham's wish to live in York-house made him the less disposed to help in releasing Bacon from the restraint which prevented him from living in it himself. "It is thought," says Chamberlain, 20th October, 1621, "some aim and look after that house: where if St. Albans might continue and take his pleasure, it is like he would be lother to leave his interest in it."

[2] Gibson Papers, vol. viii. f. 244. Docketed "A Memorial of Conference"—to which is added in Bacon's own hand "when I expected my L. M. at Yo. hows."

to myself of any unworthiness, except perhaps too much softness in the beginning of my troubles. But since, I praise God I have not lived like a drone nor like a mal-content, nor like a man confused, but though the world hath taken her talent from me, yet God's talent I put to use.

For trial of friends, he cannot have many friends that hath chosen to rely upon one. So that is in a small room, ending in yourself. My suit therefore to you is, that you would now upon this vouchsafed conference open yourself to me, whether I stand in your favour and affection as I have done, and if there be an alteration, what is the cause, and if none, what effects I may expect for the future of your friendship and favour, my state being not unknown to you.

Reasons of doubt of cooling.

The reasons, why I should doubt of your Lordship's cooling towards me or falling from me, are either out of judgment and discourse, or out of experience and somewhat that I find. My judgment telleth that when a man is out of sight and out of use, it is a nobleness somewhat above this age to continue a constant friend: That some that are thought to have your ear or more love me not, and may either disvalue me, or distaste your Lordship with me. Besides, your Lordship hath now so many either new-purchased friends or reconciled enemies, as there is scarce room for an old friend specially set aside. And lastly, I may doubt that that for which I was fittest, which was to carry things *suavibus modis*, and not to bristle or undertake or give venturous counsels, is out of fashion and request.

As for that I find, your Lordship knoweth as well as I what promises you made me, and iterated them both by message and from your mouth, consisting of three things, the pardon of the whole sentence, some help for my debts, and an annual [pension] which your Lordship ever set at 2000*l.* as obtained, and 3000*l.* in hope. Of these being promises undesired as well as favours undeserved, there is effected only the remission of the fine, and the pardon now stayed.[1] From me I know there hath proceeded nothing that may cause the change. These I lay before you, desiring to know what I may hope for; for hopes are racks, and

[1] Among the letters entered in Stephens's catalogue, but not found, is one dated 27th October, 1621; beginning "These two last acts"; containing "thanks for the procuring his pardon and releasement of fine"; and addressed to Buckingham.

your Lordship that would not condemn me to the Tower I know will not condemn me to the rack.

The pardon staid.

I have, though it be a thing trivial, and that at a coronation one might have it for five marks and after a Parliament for nothing, yet have great reason to desire it, specially being now stirred. Two chiefly; first because I have been so safted, and now it is time there were an end. Secondly, because I mean to live a retired life, and so cannot be at hand to shake off every clamour.

For any offence the Parliament should take; it is rather honour, that in a thing wherein the King is absolute, yet he will not interpose in that which the Parliament hath handled, and the King hath already restored judicature, after a long intermission, but for matter of his grace, his Majesty shall have reason to keep it entire.

I do not think any except a Turk or Tartar would wish to have another chop out of me. But the best is, it will be found there is a time for envy and a time for pity, and cold fragments will not serve if the stomach be on edge. For me, if they judge by that which is past, they judge of the weather of this year by an almanack of the old year; they rather repent of that they have done, and think they have but served the turns of a few.

The expected conference did not take place; for Buckingham did not come. And Bacon, being much disappointed and hurt, had an evident difficulty in choosing words to express his feelings in writing; as will be seen by the three letters following, the two first being apparently rejected drafts of the third, which is described by Matthew as an "expostulation with the Duke of Buckingham, wherein he had a great mind to have been very quick."[1]

To the Marquis of Buckingham.[2]

My Lord,

I say to myself, that your Lordship hath forsaken me, and I think I am one of the last that findeth it, and in nothing more, than that twice at London your Lordship would not vouchsafe to see me, though the latter time I begged it of you. If your

[1] Matthew's collection of letters, p. 48.

[2] Gibson Papers, vol. viii. f. 253. Rough draught in Bacon's hand. No fly-leaf. Indorsed "Draught of lre. to Buck. not sent."

Lordship take any insatisfaction about York-house, good my Lord, think of it better; for I assure your Lordship, that motion to me was to me as a second sentence; for I conceived it sentenced me to the loss of that which I thought was saved from the former sentence, which is your love and favour. But sure it could not be that pelting matter, but the being out of sight, out of use, and the ill offices done me perhaps by such as have your ear. Thus I think and thus I speak; for I am far enough from any baseness or detracting, but shall ever love and honour you, howsoever I be

Your forsaken friend and freed servant,

Fr. St. Alban.

This was too like open war, and (as we learn from the docket) was upon consideration withheld. The next was the same appeal in another temper.

To the Marquis of Buckingham.[1]

My very good Lord,

It is in vain to cure the accidents of a disease, except the cause be found and removed. I know adversity is apprehensive, but I fear it is too true that now I have lost honour, power, profit, and liberty, I have, in the end, lost that which to me was more dear than all the rest, which is my friend. A change there is, apparent and great; and nothing is more sure than that nothing hath proceeded from me since my troubles, either towards your Lordship or towards the world, which hath made me unworthy of your undeserved favours or undesired promises. Good my Lord, deal so nobly with me, as to let me know whether I stand upright in your favour, that either I may enjoy my wonted comfort or see my griefs together, that I may the better order them; though, if your Lordship should never think more of me, yet your former favours bind me to be

Your Lordship's most obliged
and faithful servant,

Fr. St. Alban.

[1] Gibson Papers, vol. viii. f. 197. Rough draught. No fly-leaf. Indorsed "To Lo. Buck."

This also, though better, I suppose he found on reading it over to be rather too short. He probably thought it more judicious or more becoming to enter a little further into particulars, and the next letter represents the form of expostulation with which it seems he satisfied himself at last.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

Your Lordship will pardon me, if, in the freedom partly of adversity and partly of former friendship (the sparks whereof cannot but continue), I open myself to your Lordship, and humbly desire also your Lordship to open yourself to me. Your two last acts which you did for me, in procuring the releasement of my fine and my *Quietus est*, I do acknowledge were effects real and material of your love and favour; which as (to my knowledge) never failed me in my prosperity, so in these two things it seems did not turn with the wheel. But the extent of these two favours is not much more but to keep me from persecution.[2] For any thing further, which might tend to my comfort and subsisting, I cannot say to myself that your Lordship hath forsaken me, but yet I see not the effects of your undeserved, yea and undesired professions and promises; which being made to a person in affliction, have the nature of vows. But that which most of all maketh me doubt of a change or cooling in your Lordship's affection towards me, is, that twice now at my being at London, your Lordship did not vouchsafe to see me; though by messages you had given me hope thereof, and the latter time I had begged it of your Lordship.

The cause of change is either in myself or your Lordship. I ought first to examine myself, which I have done, and God is my witness, I find all well, and that I have approved myself to your Lordship a true friend, both in the watery trial of prosperity and the fiery trial of adversity. If your Lordship take any insatisfaction touching York-house, I pray think better of it. For that motion to me was a second sentence more grievous than the first as things then stood, and do yet stand: for it sentenced me to have lost both in mine own opinion and much more in the

[1] Gibson Papers, vol. viii. f. 196. Rough draught in Bacon's hand. Docketed "My last lre. to my L. of Buc."

[2] The words "from furder plunging in misery or" are crossed out.

opinion of others, that which was saved to me only in the former sentence, and which was more dear to me than all that was taken from me, which is your Lordship's love and favour. For had it not been for that bitter circumstance, your Lordship knoweth that you might have commanded my life, and all that mine is. But surely it could not be that nor any thing in me which wrought the change. It is like on the other part, that though your Lordship in your nature I know to be generous and constant, yet I being now become out of sight, out of use, your Lordship having a flood of new friends, and your ears possessed perhaps by such as would not leave room for an old; you may, even by the course of the world, and the over-bearing of others, be turned from me, and it were almost a miracle if it should otherwise be. Nevertheless, because your Lordship may have that heroical spirit, as to stand out all these violent assaults, which may have alienated you from your friend, my humble suit to your Lordship is, that remembering our former friendship, which began with your beginnings, and since never failed on my part, your Lordship would deal clearly with me, and let me know whether I continue in your favour; and whether in those poor requests which I may have to his Majesty (whose man I ever was and am) for the attempering of my misery, I may presume to use your Lordship's favour and help as I have done. For otherwise it were a kind of stupidness in me, and a trouble to your Lordship; for me, not to discern the change; for your Lordship, to have an importuner instead of a friend and a suitor. Though howsoever, if your Lordship should never think of me more, yet in respect of your former favours, which cannot altogether be made void, I must remain,

Your Lordship's most obliged friend and
faithful servant,
Fr. St. A.

It will be seen that in this letter Bacon speaks of his *Quietus est*, that is his pardon, as an act accomplished; from which it may be inferred that since he drew up the notes for the expected conference at York-house (which did not take place), the Bishop's scruples had been overcome and the pardon sealed; though it is rather strange, if the removal of the obstruction as well as the obtaining of the warrant itself was Buckingham's work, that in a letter like this

there should be no special acknowledgment of this latest favour. Is it possible that the necessary direction had been sent to Williams by the King, but *not* at Buckingham's instance or through his hands? In that case, the silence would be accounted for.

Now we have evidence that on some occasion (though we have no means of knowing exactly what or when) some good office was done for Bacon with the King by Gondomar; and that it was something which "his other friends had either not ventured to attempt or not been able to obtain." We know also that in November, 1621, the King had received good news—or what he considered to be good news—of the prospects of the marriage treaty. And if Gondomar, with whom he was in great good humour,[1] took advantage of the happy season to ask him as a favour to let Bacon's pardon pass, nothing is more likely than that he would agree. It is a mere conjecture; but, if true, it explains Bacon's silence in writing to Buckingham, as well as his gratitude to Gondomar expressed in the following undated letter. And the only difficulty which it involves is suggested by another letter addressed to Gondomar after his return to Spain, from which it appears that he had while he remained in England obtained from the King a *promise* of something for Bacon's benefit, which had not yet been performed. "Cum ea quæ de me *promisso tenus* præsens impetraveras neque ullam repulsam passa sint *neque tamen ad exitum perducta*." There is, however, nothing to show that the promise here spoken of was the *only* service for which Bacon had to thank him. He may have prevailed upon the King to direct Williams to seal the pardon at once, and at the same time to promise some further relief.

ILLUSTRISSIMO ET EXCELLENTISSIMO Do. Do. DIDACO SARMIENTO DE ACUNA, COMITI DE GONDOMAR, LEGATO REGIS HISPANIARUM EXTRAORDINARIO IN ANGLIA.[2]

Ill. et exc. D.

Perspexi et agnosco providentiam divinam, quod in tantâ solitudine mihi tanquam cœlitus suscitaverit talem amicum, qui tantis implicatus negotiis et in tantis temporis angustiis, curam mei habuerit, idque pro me effecerit quod alii amici mei aut non ausi sunt tentare, aut obtinere non potuerunt. Atque illustrissimæ Dom. tuæ reddent fructum

[1] Gardiner, ii. p. 120.

[2] Gibson Papers, vol. viii. f. 248. Fair copy in Bacon's hand. No fly-leaf. Indorsed "Lo. St. Alb. to Gondomar concern. some good office he had done him with the K. after his troubles."

proprium et perpetuum mores tui[1] tam generosi, et erga omnia officia humanitatis et honoris propensi. Neque erit fortasse inter opera tua hoc minimum, quod me, qui et aliquis fui apud vivos, neque omnino intermoriar apud posteros, ope et gratiâ tuâ erexeris, confirmaris.

Ego quid possum? Ero tamen tuus (si minus usu, fructu), at saltem affectu, voto. Sub cineribus fortunæ vivi erunt semper ignes amoris. Te igitur humillimè saluto, tibi valedico, omnia prospera exopto, gratitudinem testor, observantiam polliceor.[2]

Bacon's last appeal to Buckingham was so far successful that he consented to explain himself; as will be seen by his answer.

To the Lord Viscount St. Alban.[3]

My honourable Lord,

I have received your Lordship's letter, and have been long thinking upon it, and the longer the less able to make answer unto it. Therefore if your Lordship will be pleased to send any understanding man unto me, to whom I may in discourse open myself, I will by that means so discover my heart with all freedom (which were too long to do by letter, especially in this time of parliament business), that your Lordship shall receive satisfaction. In the mean time I rest

Your Lordship's faithful servant,

G. Buckingham.

Royston, Dec. 16.

This was an opening for reconciliation which Bacon lost no time in using and improving.

[1] Quodque amplissimum virtutis præmium sit ipsa virtus, quemadmodum et ultimum vitii supplicium sit vitium ipsum: sicut egregie poeta,

"'Quæ vobis, quæ digna, viri, pro laudibus istis
Præmia posse rear solvi? Pulcherrima primum
Dii *moresque* dabunt vestri.'

Et e contra non minus vere ille de sceleratis, *Atque eum ulsciscentur mores sui.*" *De Aug. Sci.* vii. c. 2.

[2] "I perceive and acknowledge the work of divine Providence in sending me in my solitude, as it were from above, such a friend; who amid such pressure of business and in such straits of time, has had care of me and effected for me that which my other friends either have not ventured to try or have not been able to obtain. For recompense, your own conduct so generous and prone to all offices of humanity and honour will always bear its own fruit. Nor perhaps will this count for least among your works, that by your help and favour I, who have been somewhat in the living generation and in the next shall not be altogether dead, have been raised up and strengthened. For me, what can I do? I will at least be yours, if not in use and fruit yet in desire and wish. Beneath the ashes of my fortune the sparks of love shall ever remain alive. To you therefore I most humbly offer my salutations, my valedictions, my wishes for all good, my testimonies of gratitude, my promises of observance."

[3] Harl. MSS. 7000, f. 79. Original: own hand. Docketed by Bacon, "My L. Bu. last lre."

To the Marquis of Buckingham.[1]

My very good Lord,

The reason why I was so desirous to have had conference with your Lordship at London, was indeed to save you the trouble of writing. I mean, the reason in the second place. For the chief was to see your Lordship. But since you are pleased to give me the liberty to send to your Lordship one to whom you will deliver your mind, I take that in so good part, as I think myself tied the more to use that liberty modestly. Wherefore, if your Lordship will vouchsafe to send to me one of your own (except I might have leave to come to London) either Mr. Packer, my ancient friend, or Mr. Alesbury,[2] of whose good affection towards me I have heard report, to me it shall be indifferent. But if your Lordship will have one of my nomination, if I might presume so far, I would name before all others, my Lord of Falkland. But because perhaps it may cost him a journey, which I may not in good manners desire, I have thought of Sir Edward Sackville, Sir Robert Mansell, my brother, Mr. Sollicitor General, (who though he be almost a stranger to me, yet, as my case now is, I had rather employ a man of a good nature than a friend,) and Sir Arthur Ingram, notwithstanding he be great with my Lord Treasurer. Of these if your Lordship shall be pleased to prick one, I hope well I shall intreat him to attend your Lordship and to be sorry never a whit of the employment. Your Lordship may take your own time to signify your will, in regard of the present business of Parliament. But my time was confined by due respect, to write a present answer to a letter which I construed to be a kind letter, and such as giveth me yet hope to shew myself to your Lordship

Your Lordship's most obliged friend,
and faithful servant,
Fr. St. Alban.

8.

While arrangements were in progress for restoring to good humour this great spoiled child of fortune, whom we shall presently see sur-

[1] Gibson Papers, vol. viii. f. 199. Copy. No fly-leaf. Indorsed, "To the Lord of Buckingham, an answer to his of the 16th of December."
[2] Buckingham's secretaries.

rounded by a bevy of great people all trying to coax, to humour, and to console him, Bacon bethought himself of a more direct way to what he wanted. The thing which was especially vexatious and inconvenient to him was his exclusion from London—an exclusion in which there could be no possible object except vexation: and the only pretence for continuing it on the King's part (who had no desire to inflict any vexation whatever upon him for his own pleasure) was the fear of offending Parliament by remitting too many of the penalties which they had awarded, and letting "the world think that their sentence was in vain." It occurred to Bacon therefore to petition the Lords themselves[1] to recommend his suit to the King. And if it had not been for the prorogation on the 19th of December, with intent to dissolve, I suppose the following petition would have been laid before them.

Petition to the House of Lords.[2]

My right honourable good Lords,

In all humbleness acknowledging your Lordships' justice, I do now in like humble manner crave and implore your grace and compassion. I am old, weak, ruined, in want, a very subject of pity. My only suit to your Lordships is to shew me your noble favour towards the release of my imprisonment, (for so every confinement is), and to me, I protest, worse than the Tower. There I could have company, physicians, conference with my creditors and friends about my debts and the necessities of my estate, helps for my studies and the writings I have in hand. Here I live upon the sword-point of a sharp air,[3] endangered if I go abroad, dulled if I stay within, solitary and comfortless without company, banished from all opportunities to treat with any to do myself good, and to help out my wrecks; and that which is one of my greatest griefs, my wife that hath been no

[1] In Stephens's catalogue there is an entry of a letter which probably related to this. "3 Dec. 1621. 'I do discern by your last,'—about petitioning the Parliament. To Sir Ed. Sackville."

[2] Gibson Papers, vol. viii. f. 261. Copy in Bacon's hand. No fly-leaf. Indorsed, "Copy of the petition intended for the houses of Parliament."

Another paper described as "a petition to the Parliament for a release from his confinement," and beginning, 'I cannot direct,' is entered in Stephens's catalogue.

[3] "I do not remember" (says Chamberlain, 15 December, 1621) "a more sharp week than this hath been; and the extremity at the very first made us think it could not last; but it holds out still in such sort that the Thames is not passable, nor I can scant set pen to paper."

partaker of my offending, must be partaker of this misery of my restraint.

May it please your Lordships therefore, since there is a time for justice and a time for mercy, to think with compassion upon that which I have already suffered, which is not little, and to recommend this my humble and (as I hope) modest suit to his most excellent Majesty, the fountain of grace, of whose mercy, for so much as concerneth himself merely, I have already tasted, and likewise of his favour in this very kind, by some small temporary dispensations.

Herein your Lordships shall do a work of charity and nobility, you shall do me good, you shall do my creditors good, and it may be you shall do posterity good, if out of the carcase of dead and rotten greatness (as out of Samson's lion) there may be honey gathered for the use of future times. God bless your persons and counsels.

Your Lordship's suppliant and servant,

FR. ST. ALBAN.

He applied also to Digby, for his good offices with the King for the same purpose.

To JOHN LORD DIGBY.[1]

My very good Lord,

Receiving, by Mr. Johnson, your loving salutations, it made me call to mind many of your Lordship's tokens, yea and pledges, of good and hearty affection in both my fortunes, for which I shall be ever yours. I pray my Lord, (if occasion serve) give me your good word to the King for the release of my confinement, which is to me a very strait kind of imprisonment. I am no Jesuit nor no leper; but one that served his Majesty these sixteen years, even from the commission of the Union till this last Parliament, and ever had many thanks of his Majesty,

[1] Gibson Papers, vol. viii. f. 154. Draught in Bacon's hand. No fly-leaf. Indorsed, "To Ld Digby."

and was never chidden. This his Majesty, I know, will remember at one time or other; for I am his man still.

God keep your Lordship.

Your Lordship's most affectionate
to do you service,
Fr. St. Alban.

Gorhambury, this last
of December, 1621.

9.

With regard to the negotiations with Buckingham which followed, in which the childishness of many of the circumstances contrasts so strangely with the seriousness of the question at issue—being no less than whether the author of the 'Advancement of Learning,' the 'Novum Organum,' and the 'History of Henry VII.' should be enabled to pursue in peace a life of study—I do not think I can do better than present the correspondence in its original shape. For I have no means of completing the story, or filling up the gaps; and a clearer idea of the transaction will be given by the unabridged reports of the several actors than any abstract would convey. Nor are the letters themselves without interest, however contemptible the argument. Thomas Meautys,—one of the noblest of the noble order of loyal servants,—loyal to the full extent of his means and abilities,—in adversity as in prosperity, in disgrace as in honour,—loyal through life and beyond it,—*superstitis cultor, defuncti admirator*,—the creditor who never ceased to be a friend,—well deserves to be introduced in person to those who take any interest in Bacon. And the others who have a part in the business are all people of note, and shown in unaccustomed lights:—Lenox, Falkland, Sackville, Gondomar, Matthew, Buckingham himself; and (not the least interesting) the Lady St. Alban, of whom we see and hear so very little elsewhere; but whom, in the enforced absence of her husband, the domestic question of a house to live in brings for a moment upon the stage.

Thomas Meautys, Esq., to the Lord Viscount St. Alban.[1]

May it please your Lordship,

As soon as I came to London, I repaired to Sir Edward Sackville, whom I find very zealous (as I told your Lordship I left him) to do you service, in any particular you shall command him, to my Lord Marquis

[1] Gibson Papers, vol. viii. f. 156. Orig.

(though it were with some adventure;) and withal he imparted to me what advice he had given to my Lady this afternoon upon his visiting of her at York-house, when Mr. Packer also, (as it fell out) was come at the same time to see my Lady, and seemed to concur with Sir Edward Sackville in the same ways: which were, for my Lady to become a suitor to my Lady Buckingham and my Lady Marquis to work my Lord Marquis for obtaining of the King some bounty towards your Lordship; and in particular, that of the 1000*l.* a year for the small writs. If I may speak my opinion to your Lordship, it is not amiss to begin any way or with any particular though but small game at first, only to set a rusty clock a-going, and then happily it may go right for a time, enough to bring on the rest of your Lordship's requests. Yet because your Lordship directed me to wish my Lady from you by no means to act any thing, (but only to open her mind in discourse unto friends) until she should receive your farther direction; it became not me to be too forward in putting it on too fast with Sir Edward; and my Lady was pleased to tell me since that she hath written to your Lordship at large.

I inquired even now of Benbow, whether the proclamation for dissolving the Parliament were coming forth. He tells me, he knows no more certainty of it than that Mr. Secretary commanded him yesterday to be ready (for dispatching of the writs) when he should be called for; but since then he hears it sticks, and endures some qualms; but they speak it still aloud at court that the King is resolved of it.

Benbow tells me likewise that he hath attended these two days upon a Committee of the Lords, with the book of the Commission of the peace; and that their work is to empty the commission, in some counties by the score, and many of them Parliament-men: which course sure helps to ring the passing-bell to the Parliament.

Mr. Burrows[1] tells me, he is at this present fain to attend some service for the King; but about Saturday he hopes to be at liberty to wait upon your Lordship. I humbly rest,

Your Lordship's for ever to honour and serve,

T. MEAUTYS.

January 3, 1621.

THE SAME TO THE SAME.[2]

May it please your Lordship,

This afternoon my Lady found access to my Lord Marquis, procured for her by my Lord of Montgomery[3] and Sir Edward Sackville, who

[1] John Borough, educated in common law at Gray's Inn, Keeper of the Records in the Tower of London, Secretary to the Earl Marshal, in 1623 made Norroy; in July the year following knighted, and on the 23rd of December the same year, made Garter King at Arms in the place of Sir William Segar. He died October 21, 1643. (Note by Birch.)

[2] Gibson Papers, vol. viii. f. 157. Orig.

[3] Philip, afterwards Earl of Pembroke.

seemed to contend which of them should show most patience in waiting (which they did a whole afternoon) the opportunity to bring my Lord to his chamber, where my Lady attended him. But when he was come she found time enough to speak at large: and though my Lord spake so loud as that what passed was no secret to me and some others that were within hearing; yet, because my Lady told me she purposeth to write to your Lordship the whole passage, it becomes not me to anticipate by these any part of her ladyship's relation.

I send your Lordship herewith the proclamation for dissolving the Parliament; wherein there is nothing forgotten that we[1] have done amiss; but for most of those things that we have well done, we must be fain, I see, to commend ourselves.

I delivered your Lordship's to my Lord of Montgomery and Mr. Matthew, who was even then come to York-house to visit my Lady when I received the letter; and as soon as he had read it he said that he had rather your Lordship had sent him a challenge, and that it had been easier to answer than so noble and kind a letter. He intends to see your Lordship some time this week; and so doth Sir Edward Sackville, who is forward to make my Lady a way by the Prince, if your Lordship advise it.

There are packets newly come out of Spain; and the King, they say, seems well pleased with the contents; wherein there is an absolute promise and undertaking for restitution of the Palatinate; the dispensation returned already from the Pope, and the match hastened on their parts. My Lord Digby goes shortly; and Mr. Matthew told me he means before his going to write by him to your Lordship.

The King goes not till Wednesday, and the Prince certainly goes with him. My Lord Marquis in person christens my Lord of Falkland's child to-morrow, at his house by Watford.

Mr. Murray[2] tells me, the King hath given your book[3] to my Lord Brooke,[4] and injoined him to read it, commending it much to him: and then my Lord Brooke is to return it to your Lordship; and so it may go to the press when your Lordship please, with such amendments as the King hath made, which I have seen, and are very few, and those rather words, as *epidemic*, and *mild* instead of *debonnaire*, etc. Only that, of persons attainted, enabled to serve in Parliament by a bare reversal of their attainder without issuing any new writs, the King by all means will have left out. I met with my Lord Brooke, and told him that Mr. Murray had directed me to wait upon him for the book when he had done with it. He desired to be spared this week, as being to him a week of much business, and the next week I should have it: and he ended in a compliment that care

[1] Meautys was member in this Parliament for the town of Cambridge.

[2] Thomas Murray, tutor and secretary to the Prince, made Provost of Eton College, in the room of Sir Henry Savile, who died February 19th, 1621-2. Mr. Murray died likewise, April 1st, 1623. (Note by Birch.)

[3] The History of the Reign of King Henry the Seventh. [4] Fulk Grevile.

should be taken by all means for good ink and paper to print it in; for that the book deserved it.

I beg leave to kiss your Lordship's hands.

Your Lordship's in all humbleness
to honour and serve,

January 7th, 1621. T. MEAUTYS.

This proclamation is not yet sealed, and therefore your Lordship may please, as yet, to keep it in your own hands.

THE SAME TO THE SAME.[1]

My most honoured Lord,

I met, even now, with a piece of news so unexpected, and yet so earnestly true, as that howsoever I had much ado at first to refrain from desiring the relater to speak probably, yet now I dare send it your Lordship upon my credit. It is my Lord of Somerset's and his lady's coming out of the Tower on Saturday last, fetched forth by my Lord of Falkland, and without the usual degrees of confinement, at first to some one place, but absolute and free to go where they please.[2] I know not how peradventure this might give your Lordship some light that might occasion you to cast your thoughts touching yourself into some new mould, though not in the main, yet in something on the bye. I beg leave to kiss your Lordship's hands.

Your Lordship's in all humbleness,
for ever to honour and serve you,
T. MEAUTYS.

THE DUKE OF LENOX TO THE LORD VISCOUNT ST. ALBAN.[3]

My Lord,

It is not unknown to your Lordship that, in respect I am now a married man, I have more reason than before to think of providing me some house in London, whereof I am yet destitute; and for that purpose I have resolved to intreat your Lordship that I may deal with you for York-house; wherein I will not offer any conditions to your loss. And in respect I have understood that the consideration of your Lady's wanting

[1] Gibson Papers, vol. viii. f. 213. Original.

[2] This appears to have been a mistake. "Somersettus comes ex diutinâ in arce Lond. incarceratione liberatur, et jubetur ut se contineat apud Vicecomitem Wallingfordiæ, et in circumviciniâ." Camden, 6 Jan. 1622.

"I hear," says Chamberlain, writing on the 19th of January, 1621–2, "they came out severally on Thursday in the evening, and lay that night at Northampton House; then they are to go to Gray's, a house of Lord Wallingford's in Oxfordshire, where they are to continue."

[3] Gibson Papers, vol. viii. f. 158. Original. Docketed by Bacon, "The D. of Lenox, 29 Jan. 1621."

a house hath bred some difficulty in your Lordship to part with it, I will for that make offer unto your Lordship and your Lady to use the house at Channon-row, late the Earl of Hertford's, being a very commodious and capable house, wherein I and my wife have absolute power; and whereof your Lordship shall have as long time as you can challenge or desire of York-house. In this I do freelier deal with your Lordship, in respect I know you are well assured of my well-wishes to you in general; and that in this particular, though I have not been without thoughts of this house before your Lordship had it, yet I was willing to give way to your Lordship's more pressing use thereof then. And as I do not doubt that your Lordship [will] endeavour to gratify me in this; so I shall esteem it as an extraordinary courtesy, which I will study to requite by all means.

So, with my best wishes to your Lordship, I rest

Your Lordship's most loving friend,

LENOX.

In respect my Lord of Buckingham was once desirous to have had this house, I would not deal for it till now that he is otherwise provided.[1]

Whitehall, the 29th
of January, 1621.

TO THE DUKE OF LENOX.[2]

My very good Lord,

I am sorry to deny your Grace anything; but in this you will pardon me. York-house is the house where my father died, and where I first breathed, and there will I yield my last breath, if it so please God, and the King will give me leave; though I be now [in the house[3]] (as the old proverb is) like a bear in a monk's hood. At least no money nor value shall make me part with it. Besides, as I never denied it to my Lord Marquis, so yet the difficulty I made was so like a denial, as I owe unto my great love and respect to his Lordship a denial to all my other friends; among which in a very near place next his Lordship I ever accounted of your Grace. So, not doubting that you will continue me in your former love and good affection, I rest

Your Grace's, to do you humble service,

affectionate, etc.

[1] "The Marquis of Buckingham" says Chamberlain, writing on the 19th of January, "hath contracted with the Lord and Lady Wallingford for their house near Whitehall, for some money and the making of Sir Thomas Howard Baron of Charlton and Viscount Andover; and some think that the delivery of the Lord of Somerset and his Lady was part of the bargain."

[2] Gibson Papers, vol. viii. f. 159. Rough draught in Bacon's hand. No fly-leaf. Indorsed "Yo^r Lop. answer to the D. of Lenox letter, Jan. 30, 21."

[3] These words are interlined and difficult to read. Birch read them into "by fortune," which I think is wrong.

To the Marquis of Buckingham.[1]

My very good Lord,

As my hopes since my misfortunes have proceeded of your Lordship's mere motion, without any petition of mine, so I leave the times and the ways to the same good mind of yours. True it is, a small matter for my debts would do me more good now than double a twelvemonth hence. I have lost six thousand pounds by year, besides caps and courtesies. But now a very moderate proportion would suffice. For I still bear a little of the mind of a Commissioner of the Treasury, not to be over-chargeable to his Majesty. And two things I may assure your Lordship of. The one, that I shall lead such a course of life as whatsoever the King doth for me shall rather sort to his Majesty's and your Lordship's honour than to envy; The other, that whatsoever men talk, I can play the good husband, and the King's bounty shall not be lost. If your Lordship think good the Prince should come in to help, I know his Highness wisheth me well; if you will let me know when and how he may be used. But the King is the fountain, who I know is good. God prosper you.

Your Lordship's most obliged and faithful

Fr. St. Alban.

Gorhambury, 30 January,
1621.

To the Lord St. Alban.[2]

My honourable Lord,

Now that I am provided of a house I have thought it congruous to give your Lordship notice thereof, that you may no longer hang upon the treaty which hath been between your Lordship and me touching York-house; [in] which I assure your Lordship, I never desired to put you to the least inconvenience. So I rest

Your Lordship's faithful servant,

G. Buckingham.

[1] Gibson Papers, vol. viii. f. 149. Rough draught in Bacon's hand.

[2] Harl. MSS. 7000, f. 65. Original: own hand. Docketed by Bacon, "L. of Buckingm. Sent by Sr. Ar. Ing. servant."

To the Marquis of Buckingham.[1]

My very good Lord,

Your Lordship dealeth honourably with me in giving me notice that your Lordship is provided of an house, whereby you discontinue the treaty your Lordship had with me for York-house; although I shall make no use of this notice, as to deal with any other. For I was ever resolved your Lordship should have had it, or no man. But your Lordship doth yet more nobly, in assuring me you never meant it with any the least inconvenience to myself. May it please your Lordship likewise to be assured from me, that I ever desired you should have it, and do still continue of the same mind.

I humbly pray your Lordship to move his Majesty to take some commiseration of my long imprisonment. When I was in the Tower I was nearer help of physic, I could parly with my creditors, I could deal with friends about my business, I could have helps at hand for my writings and studies wherein I spend my time; all which here fail me. Good my Lord, deliver me out of this, me who am his Majesty's devout beadsman and

Your Lordship's most obliged friend
and faithful servant,
Fr. St. Alban.

Gorhambury, this
3rd of Feb. 1621.

To the Lord St. Alban.[2]

My Lord,

I am glad your Lordship understands me so rightly in my last letter. I continue still in the same mind, for, I thank God, I am settled to my contentment, and so I hope you shall enjoy yours with the more, because I am so well pleased in mine. And, my Lord, I shall be very far from taking it ill if you part with it to any else, judging it alike unreasonableness to desire that which is another man's, and to bind him by promise or otherwise not to let it to another.

My Lord, I will move his Majesty to take commiseration of your long imprisonment, which in some respects both you and I have reason to think harder than the Tower; you for the help of physic, your parley with your creditors, your conference for your writings and studies, deal-

[1] Gibson Papers, vol. viii. f. 172. Copy in Bacon's hand. Docketed in the same, "Cop. lre. to my L. Marq. upon his notice."

[2] Harl. MSS. 7000, f. 67. Original. Docketed by Bacon, "The lre. of kindness and promise from my Lo. of Buck[m]."

ing with friends about your business; and I for this advantage to be sometimes happy in visiting and conversing with your Lordship, whose company I am much desirous to enjoy, as being tied by ancient acquaintance to rest always

Your Lordship's faithful friend and servant,
G. BUCKINGHAM.

There was a rumour about this time that Bacon was likely to be restored to the Council table:[1] which appears to have grown only out of the fact that the King had lately ordered the new Lord Treasurer to pay him his pension. And it is true that on the 19th of January he had a grant "of all arrears due to him by letters patent formerly made to him, and also of an annuity of 1200*l.* for twelve years."[2] But as I find no mention of this among the favours asked for or acknowledged, I presume that it was only an authority to the Lord Treasurer to pay him what was overdue upon the patents which belonged to him. If the copies of three letters entered in Stephens's catalogue under date 3rd Feb. 1621 as addressed to "the Lord Treasurer, Sir Arthur Ingram, and Sir Edward Sackville," should be found, they would probably throw some light upon it.

10.

This was a considerable advance on Buckingham's part towards reconciliation; though he still writes in the polite mood,—

"With courtesy and with respect enough;
But not with such familiar instances
Nor with such free and friendly conference
As he had used of old;"—

and the obstruction was only half removed. But it makes a resting-place, and leaves room for the appearance on the scene of a greater man.

It seems that as his hope of help through Buckingham's influence with the King grew colder, Bacon had turned to consider how his case stood in point of law; and had consulted Selden "about some passages of Parliament"—what passages and with what view we do not more precisely know—but probably to learn how far they were in accordance with constitutional precedents. Soon after, a fresh question was suggested by the circumstances of the dissolution. The last act of the House of Commons before their adjournment at the beginning of June, had been to promise that if the King failed

[1] Thos. Locke to Carleton, 4th Feb. 1621–2. S. P.
[2] 'Calendar of State Papers,' p. 337.

to obtain by peaceable means the settlement of true Religion and the recovery of the Palatinate, he should command for those services the lives and estates of all their constituents. In November the failure was declared, and it was time to call upon them to make their promise good. Parliament was immediately summoned, and met on the 20th of November. The state of the case was explained to the two Houses by Digby, the King being unable to attend in person; who laid all the blame upon the Emperor,—excusing the King of Spain and saying nothing about Frederick,—and ended with an intimation that the force which the occasion required would cost not less than 900,000*l*. This was not beyond the estimate which had been made by the Council of War in January, and was therefore within their engagement. But though it had been easy to agree in the *promise* without naming scruples or stipulations, it was found when it came to the performance that such a grant could not be agreed to except upon conditions. They voted a single subsidy,—enough to maintain the garrisons in the Palatinate through the winter,—but coupled it with a petition setting forth their own view of what should be done: which being in direct opposition to the course to which the Government had committed itself, brought up the old dispute between Prerogative and Privilege in the most inconvenient and intractable of all its shapes,—the dispute, in its very nature incapable of solution otherwise than by main force, on the question of abstract constitutional right. With the policy of the proceedings on either side I have nothing to do here, Bacon having no concern in them. The matter which concerned him was the issue; and the issue was a dissolution without the royal assent given to any act (except the act of subsidy in the middle of the previous session), and a proclamation which called that meeting of Parliament not a session but a convention. Now if the meeting had been "no session," how would that affect the acts which had been done in it? This question Bacon seems to have proposed to Selden, and the next letter contains his answer. It will be seen that he thought it *was* a session; and that even if it were not, the judgments of the Upper House would still be good,—if there were no other reason against them: but at the same time that there *was* other reason against them: for there being no proper record of them, "it might justly be thought that they were of no force."

The question is one of form, and does not affect the substance of the proceeding in those points in which it is most open to exception. But it is interesting to know the opinion of a man like Selden upon a point of constitutional law, and the more when it shows two such men in communication with each other.

JOHN SELDEN, ESQ., TO THE LORD VISCOUNT ST. ALBAN.[1]

My most honoured Lord,

At your last going to Gorhambury you were pleased to have speech with me about some passages of Parliament touching which, I conceived by your Lordship, that I should have had farther direction by a gentleman to whom you committed some care and consideration of your Lordship's intentions therein. I can only give this account of it, that never was any man more willing or ready to do your Lordship service than myself; and in that you then spake of, I had been most forward to have done whatsoever I had been by farther direction used in. But I understood that your Lordship's pleasure that way was changed.

Since, my Lord, I was advised with, touching the judgments given in the late Parliament. For them (if it please your Lordship to hear my weak judgment expressed freely to you) I conceive thus: First, that admitting it were no session, but only a convention, as the proclamation calls it; yet the judgments given in the Upper House (if no other reason be against them) are good; for they are given by the Lords, or the Upper House, by virtue of that ordinary authority which they have as the supreme court of judicature; which is easily to be conceived without any relation to the matter of session, which consists only in the passing of acts, or not passing them, with the royal assent. And though no session of the three states together be without such acts so passed, yet every part of the Parliament severally did its own acts legally enough to continue, as the acts of other courts of justice are done. And why should any doubt be, but that a judgment out of the King's Bench or Exchequer Chamber reversed there, had been good, although no session? For there was truly a Parliament, truly an Upper House (which exercised by itself this power of judicature), although no session. Yet withal, my Lord, I doubt it will fall out upon further consideration to be thought a session also. Were it not for the proclamation, I should be clearly of that mind, neither doth the clause in the act of subsidy hinder it. For that only prevented the determination of the session at that instant, but did not prevent the being of a session whensoever the Parliament should be dissolved. But because that point was resolved in the proclamation, and also in the commission of dissolution on the 8th of February, I will rest satisfied. But there are also examples of former times that may direct us in that point of the judgment; in regard there is store of judgments of Parliament, especially under Edward 1st and Edward 2nd, in such conventions as never had, for aught appears, any act passed in them.

Next, my Lord, I conceive thus: That by reason there is no record of those judgments, it may be justly thought that they are of no force. For thus it stands. The Lower House exhibited their declarations in paper, and the Lords receiving them proceeded to judgment verbally, and the notes of their judgments are taken by the clerk in the journal only;

[1] Gibson Papers, vol. viii. f. 160. Original.

which, as I think, is no record of itself, neither was it ever used as one. Now the record that in former times was of the judgments and proceedings there, was in this form. The accusation was exhibited in parchment, and being so received and indorsed was the first record, and that remained filed among the bills of Parliament, it being of itself as the bills in the King's Bench. Then out of this there was a formal judgment with the accusation entered into that roll or second record which the clerk transcribes by ancient use and sends into the Chancery. But in this case there are none of these. Neither doth anything seem to help to make a record of it, than only this, that the clerk may enter it now after the Parliament; which I doubt he cannot.[1] Because although in other courts the clerks enter all, and make their records after the term, yet in this Parliamentary proceeding it falls out that the court being dissolved the clerk cannot be said to have such a relation to the Parliament which is not then at all in being, as the prothonotaries of the courts in Westminster have to their courts which stand only adjourned. Besides, there cannot be an example found by which it may appear that ever any record of the first kind (where the transcript is into the Chancery) was made in Parliament but only sitting the House, and in their view. But this I offer to your Lordship's farther consideration, desiring your favourable censure of my fancy herein, which, with whatsoever ability I may pretend to, shall ever be desirous to serve you, to whom I shall perpetually vow myself

Your Lordship's most humble servant,
J. SELDEN.

From the Temple,
February 14, 1621.

My Lord,

If your Lordship have done with that 'Mascardus de Interpretatione Statutorum,'[2] I shall be glad that you would be pleased to give order that I might use it. And for that of 12 Hen. 7, touching the grand council in the manuscript,[3] I have since seen a privy seal of the time of Henry 7 (with-

[1] It appears from a statement in the 'Statutes of the Realm,' vol. iv. p. 1208, that the only Acts passed in this Parliament—viz. the Subsidy Acts of the Temporalty and the Clergy—were not enrolled in Chancery: but that "a Roll of this Parliament is preserved in the Rolls office in Chancery, indorsed 'Rotulus judiciorum redditorum in Parliamento tento apud Westm. anno Regis Jacobi Anglise, etc., decimo octavo':" that "this is referred to by the Calendar of Acts of Parliament at the Rolls, under Anno decimo octavo Jacobi R., as 'An Act containing the censure given in Parliament against Sir Gyles Mompesson, Sir Francis Mitchell, Francis Viscount St. Albane Lord Chancellor of England, and Edward Flood';" and that "it contains the several proceedings in Parliament, and the respective judgments of the House of Peers against those offenders."

[2] 'Alderani Mascardi communes conclusiones utriusque juris ad generalem Statutorum Interpretationem accommodatæ.' Printed at Ferrara in 1608. (Note by Birch.)

[3] Probably a MS. containing some allusion to the Grand Council called by Hen. 7th in 1596, of which Bacon did not know. See my notes to Bacon's 'Hist. of Henry 7th' for a full explanation of the whole matter. Works, vol. vi. p. 174; note.

out a year) directed to borrow for the King; and in it there is a recital of a grand council which thought that such a sum was fit to be levied; whereof the Lords gave 40,000*l.*, and the rest was to be gotten by privy seal upon loan.[1] Doubtless, my Lord, this interprets that of the manuscript story.

On the back of this letter are the following notes by Bacon.

The case of the judgment in Parliament upon a writ of error. Put by Just. Hu.[2]

The case of no judgment entered in the Court of Augmentations, or Survey, or first Fruits, which are dissolved, where there may be an entry after out of a paper-book.

Md. All the acts of my proceeding were after the royal assent to the subsidy.

11.

Buckingham had not yet quite recovered from his affront; but he was relenting, and Bacon's great friends were still engaged in persuading him with sweet-meats to be good. It seems hardly credible, and yet it was the opinion of those who had the best means of knowing, that the grievance which he could not get over was after all nothing more than the disappointment about York-house. Bacon had begun to think of offering him Gorhambury to make amends. But that was not what he wanted. The refusal of York-house to the Duke of Lenox was observed to have had a decidedly good effect. But it was not enough that the Duke should be shut out as well as himself. A man of his own must be put in: and that man must be Cranfield,—being, I suppose, the man whom he could best trust to give it up to himself upon his own terms when he chose (for I had rather not believe that he was selected as the man to whom Bacon would least like to part with it): and upon these terms, strange to say, the business was actually arranged. As soon as this condition was fulfilled Bacon was at last released from his restraint, and allowed to live in London. The history of the negotiation will be found in the letters that follow, some of which are doubtful as to date and may possibly be misplaced. But the correspondence is intelligible enough upon the whole, and leaves no room for any material misunderstanding. Bacon is now at Gorhambury.

[1] This does not appear to be quite correct. The Lords had "prested" unto the King, every one for his own part, "great sums of money contented." The King had advanced money out of his own coffers, "yet nevertheless 40,000*l.* more, as our said Council hath cast it, must of necessity be borrowed," etc. *Ibid.*

[2] Hutton.

A Letter to Mr. Matthew.[1]

Mr. Matthew,

I hope it may stand with your business to come hither down to me on Monday or Tuesday next. My Lord Digby I understand is in town, my Lord Doncaster not hastily expected; the King far off. I pray you if your business be not very important let me see you one of those days. I do hear from you by Mr. Meautys that I am still much bound to my Lord Digby; I take it I directed Mr. Meautys to tell you that having somewhat better signs of my Lord Marquis's good disposition towards me than when I writ to my Lord Digby last, I would raise my request to his Lordship, that whereas I desired his Lordship to move a temporary leave to come to London next Lent for my health, and Easter term for my business, he would now (if he so think it convenient) deal for a release of the confinement indefinite; for the same reasons of an infirm health and the settling the poor planks of my wracks will continue still. If my Lord Digby make haste to Court, I pray do this before you come down to me; if not, you may defer it till we have spoken. God keep and prosper you.

Your most, etc.

15th February, 1621.

To the Same.[2]

Good Mr. Matthew,

In this solitude of friends, which is the Base-Court of Adversity, where almost no body will be seen stirring, I have often remembered a saying of my Lord Ambassador of Spain, *Amor sin fin no tiene fin.*[3] This moveth me to make choice of his excellent Lordship for his noble succours towards not the aspiring, but the respiring of my fortunes.

I that am a man of books, have observed his Lordship to have the magnanimity of his own nation and the cordiality of ours; and by this time I think he hath the wit of both. Sure I am that for myself I have found him, in both my fortunes, to esteem me so much above value, and to love me so much above

[1] Addl. MSS. 5503, f. 108.
[2] Gibson Papers, vol. viii. f. 161. Copy in Bacon's hand.
[3] Love without an end has no end.

possibility of deserving or obliging on my part, as if he were a friend reserved for such a time as this. I have known his Lordship likewise (while I stood in a stand where I might look about) a most faithful and respective friend to my Lord Marquis; who next the King and the Prince was my raiser, and must be (he or none,) I do not say my restorer, but my reliever.

I have (as I made you acquainted at your being with me) a purpose to present my Lord Marquis with an offer of my house and lands here at Gorhambury, a thing which, as it is the best means I have now left to demonstrate my affection to his Lordship, so I hope it will be acceptable to him. This proposition I desire to put into no other hands but my Lord Ambassador's; as judging his hand to be the safest, the most honourable, and the most effectual for my good, if my Lord will be pleased to deal in it. And when I had thus resolved, I never sought nor thought of any mean but yourself, being so private, faithful and discreet a friend to us both. I desire you therefore (good Mr. Matthew) to acquaint my Lord Ambassador with this overture; and both to use yourself, and desire at his Lordship's hands secrecy therein; and withal to let his Lordship know that in this business whatsoever in particular you shall treat with him, I shall not fail in all points to make good and perform.

Commend my humble service to his Lordship. I ever rest

Your most affectionate and assured friend,

FR. ST. ALBAN.

Gorhambury, 28 February, 1621.

In Matthew's own collection there is another version of this letter, with variations which I do not know how to account for most probably. Had it been in any other collection I should have taken it for an earlier draft; but being addressed to Matthew himself, it seems more likely that it was taken from the letter as he received it. If so, it affords a good illustration of the editorial manipulation to which the letters in that collection have been subjected, and the care which has been used (as I have so often had to notice with regret) to take out of them all allusions to persons and particulars. "Good Mr. Matthew"—the form in which Bacon addressed him in all the letters remaining in manuscript—gives place to "Sir." This was in modesty, the collector never appearing himself except as a "friend," or a "servant." "A saying of my Lord Ambassador of Spain" becomes a "Spanish saying." "His excellent Lordship" is

turned into "your friend and mine": "the magnanimity of *his own nation* and the cordiality of *ours*" (by a more unjustifiable licence) is changed into the magnanimity of the *old Romans* and the cordiality of *the old English*:" a change not only unwarranted but destructive of the point of the observation; and suggested probably by an apprehension that the allowance of any virtue to Spain would be too shocking for English ears. The reference to "my Lord Marquis" is omitted altogether. Instead of the particular description of the overture which was the business of the letter, we find only "you know what I have to say to the great Lord." And "My Lord Ambassador" is again concealed under the general description of "this gentleman." That the conclusion varies from the Lambeth manuscript, both by addition and omission, and without any apparent motive, may be explained perhaps by supposing that the Lambeth copy was the draft, and that in writing it fair Bacon himself made changes. But the changes which I have noticed above are such as could not possibly be accounted for by that supposition. They are evidently due to the discretion of the editor in preparing the manuscript for publication; and I have been the more particular in noticing them, because I have reason to believe that all the letters in Matthew's collection have been treated in the same way: and therefore where any thing turns upon a particular expression, we must always remember that we cannot be sure that it was Bacon's own.

Here follows the entire letter as Matthew gives it, p. 51.

MY LORD OF ST. ALBAN'S TO A CERTAIN FRIEND ACKNOWLEDGING THE TRUTH OF AFFECTION, WHICH HE FOUND TO BE IN A CERTAIN GREAT MAN.

Sir,

In this solitude of friends, which is the base-court of adversity, where nobody almost will be seen stirring, I have often remembered this Spanish saying, *Amor sin fin no tiene fin.* This bids me make choice of your friend and mine for his noble succours, not now towards the aspiring, but only the respiring of my fortunes. I, who am a man of books, have observed that he hath both the magnanimity of the old Romans and the cordiality of the old English; and withal I believe he hath the wit of both. Sure I am, that for myself I have found him in both my fortunes to esteem me so much above my just value, and to love me so much above the possibility of deserving or obliging on my part, as if he were a friend created and reserved for such a time as this. You know what I have to say to the great Lord, and I conceive it cannot pass so fitly to him by the mouth of any, as of this gentleman; and therefore do your best, which I know will be of power enough, to engage him both in the substance and

to the secrecy of it: for I can think of no man but yourself to be used by me in this, who are so private, so faithful, and so discreet a friend to us both; as on the other side, I dare swear he is, and know myself to be, as true to you as your own heart.

The notes which follow appear to relate to the proposal which he wished Gondomar to negotiate for him.

[NOTES FOR SOME ONE WHO WAS TO DEAL WITH BUCKINGHAM ON BACON'S BEHALF.[1]]

My meaning was, if my Lord should obtain for me by his noble mediation in consideration of my services past and other respects to do that for my relief which I was suitor for[2] and whereof I was in good hope, to have presented my Lord with Gorhambury in possession, out of gratitude and love, for nothing.

My meaning was, if my Lord should prevail for me in my suit to the King for reward of service and relief of my poor estate, to have presented him with Gorhambury out of gratitude and love for nothing, except some satisfaction to my wife for her interest.

If my Lord like better to proceed by way of bargain, so I find that I may but subsist, I will deserve his favour and express my love in a friendly pennyworth.

The third point to be added:

This as his work. The more for ky.[3] the K hands presently.

The reasons, Stalling my debts.

Willingness in my friends to help me.

None will be so bold as to oppress me.

The pretence, That the King would give me direction, in what nature of writings to expend my time.

The letter to expect yet, and the manner of the delivery.

That my Lord do not impute it, if he hear I deal with others;

[1] Gibson Papers, vol. viii. f. 246. Rough draft in Bacon's hand. On the back in another hand, "Fragments of several kinds," other papers having probably been folded up with this. In the corner appears to be the docket of this particular paper, but all I can make out of it is "To Mr. Controuler" and (I think) "struc" before it: as if it may have been 'Instructions to Mr. Controuler': (that is the Comptroller of the Household—Sir John Suckling).

[2] First written "My offer was in case his M should be pleased in consideration of my services past and other respects to do that for my relief which I was suitor for by my Lord's noble mediation," etc. Altered as in the text; except that "by my Lord's noble mediation" has been allowed to stand—no doubt by mistake.

[3] Kissing.

for he shall better perceive the value, and I shall make it good to his Lordship, being my state requireth speed.

It appears from the next letter that Bacon wrote again to Matthew on the 2nd of March: but no letter has been preserved which appears to suit that date.

To the Lord Viscount St. Alban.[1]

May it please your Lordship,

Remembering that the letter your Lordship put yesterday into my hand was locked up under two or three seals, it ran in my head that it might be business of importance, and require haste; and not finding Mr. Matthew in town, nor any certainty of his return till Monday or Tuesday, I thought it became me to let your Lordship know it, that so I might receive your Lordship's pleasure (if need were) to send it after him; which I can undertake to do by as a safe a hand, as if it had three seals more.

My Lord, I saw Sir Arthur Ingram, who let fall somewhat, as if he could have been contented to have received a letter by me from your Lordship, with something in it like an acknowledgement to my Lord Treasurer, that by his means you had received a kind letter from my Lord Marquis. But in the close he came about, and fell rather to excuse what was left out of the letter, than to please himself much with what was in it. Only indeed he looked upon me as if he did a little distrust my good meaning in it. But that is all one to me; for I have been used to it of late from others as well as from him; but persons apt to be suspicious may well be borne with, for certainly they trouble themselves most, and lose most by it; for of such it is a hard question, whether those be fewest whom they trust, or those who trust them. But for him and some others, I will end in a wish, That, as to your Lordship's service, they might prove but half so much honester, as they think themselves wiser, than other men.

It is doubtful whether the King will come to-morrow or not, for they say he is full of pain in his foot.

My Lord Marquis came late to town last night, and goeth back this evening; and Sir Edward Sackville watcheth an opportunity to speak with him before he go. However he wisheth that your Lordship would lose no time in returning an answer (made all of sweet meats) to my Lord Marquis his letter, which he is confident will be both well tasted and digested by him. And Sir Edward wisheth, that the other letter to my Lord Marquis (for presenting your discourse of laws to his Majesty) might follow the first. I humbly rest

Your Lordship's for ever truly
to honour and serve you,

Martii 3, 1621. T. Meautys.

[1] Gibson Papers, vol. viii. f. 163. Orig.

Of the three next letters, all of the same date and relating to the same occasion, it is difficult to make out the exact relation and order of priority. Two of them appear to be original drafts, and the third is copied into Bacon's own collection of letters. They are all attempts at such a letter as Sackville recommended him to write; and the question is which was preferred.

I place first the one without a date, which seems to have been the first experiment.

To the Marquis of Buckingham.[1]

My very good Lord,

Your Lordship's former letter was honourable, this later is kind and loving; wherein I took much comfort. This I protest to God, who knoweth the secrets of hearts, that I do not think there was ever a son of Adam who wished more prosperity to another that was a subject than I have done and do to your Lordship; and, as low as I am, I had rather sojourn in a college than recover a fortune by any other but yourself. Marry, to recover you (if I have you not) or to ease you of doing any thing for me wherein you would not be seen, I would use any man.

God preserve and prosper your Lp. I rest.

The next is apparently an improved version of this.

To the Marquis of Buckingham.[2]

My very good Lord,

Though I have returned answer to your Lordship's last letter by the same way by which I received it, yet I humbly pray your Lordship to give me leave to add these few lines.

My Lord, as God above is witness, that I ever have loved and honoured your Lordship as much, I think, as any son of Adam can love or honour any subject; and continue in as hearty and strong wishes of felicity to be heaped and fixed upon you as ever; so, as low as I am, I had rather sojourn in a college in Cambridge than recover a good fortune by any other but your-

[1] Gibson Papers, vol. viii. f. 223. Draught, I think. No fly-leaf. Indorsed "To Buck."

[2] Gibson Papers, vol. viii. f. 162. Original draught in Bacon's hand.

self. Marry to recover yourself to me, if I have you not, or to ease your Lordship in any thing wherein your Lordship would not so fully appear, or to be made participant of your favours in your own way, I would use any man that were your Lordship's friend. And therefore, good my Lord, in that let me not be mistaken. Secondly, if in any of my former letters I have given your Lordship any distaste by the style of them, or any particular passages, I humbly pray your Lordship's benign construction and pardon. For I confess it is my fault, though it be some happiness to me withal, that I do most times forget my adversity. But I shall never forget to be

Your Lordship's most obliged friend,
and faithful servant,
FR. ST. ALBAN.

5 March, 1621.

The next, which is the one entered in the Register-book, and might seem on that ground to have the best claim to be considered as that which was chosen to supersede the others, *may* however be the letter alluded to in the first paragraph of the last; as the answer which he had already returned to Buckingham's "comfortable" letter "by the way by which he received it." For it seems that two were sent, and we do not know when Bacon received that "comfortable" letter, further than that it was between the 3rd of February and the 3rd of March.

A LETTER TO MY LORD OF BUCKINGHAM.[1]

My very good Lord,

Your Lordship's former letter was honourable, but this your latter letter was both honourable and comfortable, for which I yield your Lordship humble thanks. And for my liberty, as your Lordship hath in your letter vouchsafed to shew a great deal of tenderness concerning the same, so you will be nobly pleased to take some opportune time to move it; the rather for that the season cometh on now fit for physic, which at this time of the year I have ever used, and my health never so much required. I ever humbly rest

Your Lordship's most obliged friend,
and faithful servant.

5th of March, 1621.

[1] Addl. MSS. 5503, f. 105

The correspondence which follows contains what we know of the rest of the story.

TO THE LORD VISCOUNT ST. ALBAN.[1]

May it please your Lordship,

I had not failed to appear this night upon your Lordship's summons, but that my stay till to-morrow I knew would mend my welcome by bringing Mr. Matthew, who means to dine with your Lordship only, and so to rebound back to London, by reason my Lord Digby's journey calls for him on the sudden. Neither yet was this all that stayed me; for I hear somewhat that I like reasonably well, and yet I hope it will mend too; which is, that my Lord Marquis hath sent you a message by my Lord of Falkland (which is far a better hand than my Lord Treasurer's,) that gives you leave to come presently to Highgate: and Sir Edward Sackville speaking for the other five miles, my Lord commended his care and zeal for your Lordship, but silenced him thus: "Let my Lord be ruled by me: it will be never the worse for him." But my Lord Marquis saying farther to him, "Sir Edward, however you play a good friend's part for my Lord St. Alban, yet I must tell you I have not been well used by him;" and Sir Edward desiring of him to open himself in whatsoever he might take offence at, and withal taking upon him to have known so much from time to time of your Lordship's heart and endeavours towards his Lordship, as that he doubted not but he was able to clear any mist that had been cast before his Lordship's eyes by your enemies; my Lord Marquis by this time being ready to go to the Spanish Ambassador's to dinner, brake off with Sir Edward, and told him that after dinner he would be back at Wallingford-house, and then he would tell Sir Edward more of his mind; with whom I have had newly conference at large, and traced out to him (as he desired me) some particulars of that which they call a treaty with my Lord Treasurer about York-house, which Sir Edward Sackville knows how to put together, and make a smooth tale of it for your Lordship; and this night I shall know all from him, and to-morrow by dinner I shall not fail to attend your Lordship; till when and ever I humbly rest

Your Lordship's in all truth
to honour and serve you,
T. MEAUTYS.

SIR EDWARD SACKVILLE TO THE LORD VISCOUNT ST. ALBAN.[2]

My ever honoured Lord,

Longing to yield an account of my stewardship, and that I had not buried your talent in the ground, I awaited yesterday the Marquis's plea-

[1] Gibson Papers, vol. viii. f. 266. Orig. Docketed by Bacon, "Meut. rec. Mar. 11."

[2] Gibson Papers, vol. viii. f. 177. Original. Docketed by Bacon, "Sr Ed. Sack. lre. rec. the 11 of Mar. 1621."

sure, until I found a fit opportunity to importune some return of his Lordship's resolution. The morning could not afford it, for time only allowed leave to tell him, I would say something. In the afternoon I had amends for all. In the forenoon he laid the law, but in the afternoon he preached the gospel; when, after some revivations of the old distaste concerning York-house, he most nobly opened his heart unto me; wherein I read that which augured much good towards you. After which revelation, the book was again sealed up, and must in his own time only by himself be again manifested unto you. I have leave to remember some of the vision, and am not forbidden to write it. He vowed (not court-like) but constantly to appear your friend so much, as if his Majesty should abandon the care of you, you should share his fortune with him. He pleased to tell me how much he had been beholding to you, how well he loved you, how unkindly he took the denial of your house (for so he will needs understand it); but the close for all this was harmonious, since he protested he would seriously begin to study your ends, now that the world should see he had no ends on you. He is in hand with the work, and therefore will by no means accept of your offer, though I can assure you the tender hath much won upon him and mellowed his heart towards you, and your genius directed you aright when you writ that letter of denial unto the Duke. The King saw it, and all the rest, which made him say unto the Marquis, you played an after-game well; and that now he had no reason to be much offended.

I have already talked of the Revelation, and now am to speak in apocalyptical language, which I hope you will rightly comment; whereof if you make difficulty, the bearer can help you with the key of the cypher.

My Lord Falkland by this time hath showed you London from Highgate. If York-house were gone, the town were yours, and all your straitest shackles clean off, besides more comfort than the city-air only. The Marquis would be exceeding glad the Treasurer had it. This I know; yet this you must not know from me. Bargain with him presently, upon as good conditions as you can procure, so you have direct motion from the Marquis to let him have it. Seem not to dive into the secret of it, though you are purblind, if you see not through it. I have told Mr. Meautys how I would wish your Lordship now to make an end of it. From him I beseech you take it, and from me only the advice to perform it. If you part not speedily with it, you may defer the good which is approaching near you, and disappointing other aims (which must either shortly receive content or never), perhaps anew yield matter of discontent, though you may be indeed as innocent as before. Make the Treasurer believe that since the Marquis will by no means accept of it and that you must part with it, you are more willing to pleasure him than anybody else because you are given to understand my Lord Marquis so inclines; which inclination, if the Treasurer shortly send unto you about it, desire may be more clearly manifested than as yet it hath been; since as I remember none hitherto hath told you *in terminis terminantibus* that the Marquis desires you should gratify the Treasurer. I know that

way the hare runs, and that my Lord Marquis longs until Cranfield hath it; and so I wish too, for your good; yet would not it were absolutely passed until my Lord Marquis did send or write unto you to let him have it; for then his so disposing of it were but the next degree removed from the immediate acceptance of it, and your Lordship freed from doing it otherwise than to please him, and to comply with his own will and way.

I have no more to say, but that I am, and ever will be

Your Lordship's most affectionate friend,
and humble servant,
E. SACKVILLE.

To HENRY CARY, LORD VISCOUNT FALKLAND.[1]

My very good Lord,

Your Lordship's letter was the best letter I received this good while, except the last kind letter from my Lord of Buckingham, which this confirmeth. It is the best accident, one of them, amongst men, when they hap to be obliged to those whom naturally and personally they love, as I ever did your Lordship; in troth not many between my Lord Marquis and yourself; so that the sparks of my affection shall ever rest quick under the ashes of my fortune to do you service; and wishing to your fortunes and family all good,

Your Lordship's most affectionate,
and much obliged.

I pray your Lordship to present my humble service and thanks to my Lord Marquis, to whom when I have a little paused, I purpose to write; as likewise to his Majesty, for whose health and happiness as his true beadsman I most fervently pray.

A LETTER TO Mr. MATTHEW.[2]

Good Mr. Matthew,

It is not for nothing that I have deferred my essay *De Amicitiâ*, whereby it hath expected the proof of your great friendship towards me. Whatsoever the event be (wherein I depend upon God, who ordaineth the effect, the instrument, all) yet your incessant thinking of me, without loss of a moment

[1] Gibson Papers, vol. viii. f. 226. Copy. No fly-leaf. Indorsed "March 11. Copy of my answer to Lord Falkland, etc."
[2] Addl. MSS. 5503, f. 104 b.

of time, or a hint of occasion, or a circumstance of endeavour, or a stroke of a pulse, in demonstration of love and affection to me, doth infinitely tie me to you. Commend my service to [ ].[1] The rest to-morrow, for I hope to lie at London; ever being

Your most affectionate and assured friend.

Secrecy I need not recommend. Otherwise than that you may be pleased to recommend it over to [ ][1]; both because it preventeth opposition, and because it is both the King's and my Lord Marquis's nature to love to do things inexpected.

To Mr. Tobie Matthew.[2]

Good Mr. Matthew,

The event of the business whereof you write[3] is it may be for the best: for seeing my Lord of himself beginneth to come about, *quorsum?* as yet.

I could not in my heart suffer my Lord Digby to go hence without my thanks and acknowledgments. I send the letter open, which I pray seal and deliver. Particulars I would not touch. I ever rest

Your most affectionate and assured friend,

Fr. St. Alban.

To the Lord Digby, at his going into Spain.[4]

My very good Lord,

I do now only send my best wishes to follow you at sea and land, with due thanks for your late great favours. God knoweth [whether] the length of your voyage will not exceed the length of my hour-glass. But while I live, my affection to do your Lordship service shall remain quick under the ashes of my fortune. I therefore rest

Your Lordship's most affectionate to do you service.

March: 1622.

[1] Blanks left in MS. In the copy in Matthew's collection the first is filled with "my friend," the second with "our friend."

[2] Gibson Papers, vol. viii. f. 216. No fly-leaf. Indorsed "Ld B.s lre. to Mr. Matthews.'

[3] Probably the offer of Gorhambury, which came to nothing.

[4] Addl. MSS. 5503, f. 107 b.

Digby had been on the point of going for some time, but left England about the 20th March. Gardiner, ii. p. 216.

To the Lord Treasurer.[1]

My very good Lord,

I have received by my noble friend, my Lord Falkland, advertisement as from my Lord Marquis of three things; The one, that upon his Lordship's motion to his Majesty he is graciously pleased to grant some degree of release of my confinement. The second, that if I shall gratify your Lordship, (who my Lord understandeth are desirous to treat with me about my house at London) with the same, his Lordship will[2] take it as well as if it were done to himself. The third, that his Majesty hath referred unto your Lordship the consideration of the relief of my poor estate. I have it also from other part, yet by such as have taken it immediately from my Lord Marquis,[3] that your Lordship hath done me to the King very good offices. My Lord, I am much bounden to you: wherefore if you shall be pleased to send Sir Arthur Ingram (who formerly moved me in it for your Lordship) to treat further with me, I shall let your Lordship see how affectionately I am desirous to pleasure you after my Lord of Buckingham.[4]

So wishing your Lordship's weighty affairs for his Majesty's service a happy return to his Majesty's contentment and your honour, I rest

Your Lordship's very affectionate
to do you service,
Fr. St. Alban.

To the Lord Treasurer.[5]

My very good Lord,

The honourable correspondence which your Lordship hath been pleased to hold with my noble and constant friend, my

[1] Gibson Papers, vol. viii. f. 260. Draught in Bacon's hand, with corrections in Meautys's. No fly-leaf. Indorsed "12 March. Letter to Lord Treasurer."

[2] Written first "that his Lp. will take it (if upon treaty I shall gratify yr. Lp. with my house at London) as well," etc.

[3] Written first, "but likewise as from my Ld. M."

[4] Written first "and if you will be pleased (according as I wrote by my former letter to your Lp.) now to have Sir Arthur Ingram confer with me, I shall make a beginning to let your Lp. see in how near a place I esteem yor Lp."

[5] Gibson Papers, vol. viii. f. 247. Copy; corrected by Meautys. No fly-leaf. Indorsed "To Lo. Treasurer, y^r. . . . last." The papers have been damaged and some words perhaps lost.

Lord Marquis, in furthering his Majesty's grace towards me, as well concerning my liberty, as the consideration of my poor estate, hath very much obliged me to your Lordship, the more by how much the less likelihood there is that I shall be able to merit it at your Lordship's hands. Yet thus much I am glad of, that this course your Lordship holds with me doth carry thus much upon itself, that the world shall see in this, amongst other things, that you have a great and noble heart.

For the particular business of York-house, Sir Arthur Ingram can bear me witness that I was ready to leave the conditions to your Lordship's own making: but since he tells me plainly that your Lordship will by no means have it to be so, you will give me leave to refer it to Sir Arthur Ingram, who is so much your Lordship's servant, and no less faithful friend to me, and understands values well, to set a price between us.

For the reference his Majesty hath been graciously pleased at my Lord Marquis his suit to make unto your Lordship touching the relief of my poor estate (which my Lord of Falkland's letter hath signified, warranting me likewise to address myself to your Lordship touching the same); I humbly pray your Lordship to give it despatch, my age, health, and fortunes making time to me therein precious. Wherefore, if your Lordship (who knoweth best what the King may best do) have thought of any particular, I would desire to know from your good Lordship: otherwise I have fallen myself upon a particular, which I have related to Sir Arthur, and I hope will seem modest, for my help to live and subsist. As for somewhat towards the paying off my debts, which are now my chief care, and without charge of the King's coffers, I will not now trouble your Lordship; but purposing to be at Chiswick (where I have taken a house) within this sevennights, I hope to wait upon your Lordship, and to gather some violets in your garden, and will then impart unto you, if I have thought of any thing of that nature for my good.

So I ever rest, etc.

And here we may close this chapter. Bacon having consented to part with his house, and Buckingham having in return consented to give him his liberty, the next chapter will open with a faint glimmer of better prospects.

CHAPTER VIII.

A.D. 1622 (MARCH)—1623 (OCTOBER). ÆTAT. 61–63.

1.

FROM the Note of Instructions printed in the last chapter (p. 338) it may be gathered that Bacon was at that time in hopes of an interview with the King, to be obtained for him by Buckingham, with the professed object of hearing from him in what kind of writings he would have him spend his time. And though I cannot find that any such interview took place then, there was found among his papers a sheet of private notes, made more private by the use of Greek characters, and docketed "Mem. of access." They bear no date; and Birch, by whom they were first printed, connected them with an interview to which Bacon was admitted a year and a half later. But they contain allusions which prove conclusively that they must have been written in the third week of March, 1621–2. And I have no doubt that they were set down in expectation of an interview at that time, as a memorandum of what he meant to say. As his prospects were continually changing, the date is of importance, and we cannot have better evidence of his own view of his own case, or of the manner in which he proposed to make the best of it, than a paper like this supplies. It was evidently meant only for his own use and not to be seen by anybody else; but though, as hitherto printed, it has been obscure in some places owing to mistakes in the deciphering, it will now I think be found quite intelligible, and will show plainly what his hopes, wishes, and intentions were, and how he meant to employ the time which remained to him. The date is fixed by two points. It was *after* the "recommendation of his debts" by the King—that is, the reference to the Lord Treasurer of "the consideration of his estate" (see the two last letters), and *before* the restoration of his liberty.

Memorial of Access.[1]

It may please your Majesty,

I may now in a manner sing *nunc dimittis*, now I have seen you. Before methought I was scant in state of grace, but in a kind of utter darkness. And therefore, amongst other your mercies and favours, I do principally thank your Majesty for this admission of me to kiss your hands.

I may not forget also to thank your Majesty for your remission of my fine, for granting of my *quietus est* and general pardon; and your late recommendation of my debts; favours not small, specially to a servant out of sight, and out of use.

I beseech your Majesty to give me leave to tell you what had in my misfortunes sustained me. Aristotle says, *Old men live by remembrance, young men by hope.* And so it is true, that rising men live by hope, and fallen men by remembrance. Two remembrances have sustained me: the one, that since I had the prime vote in the Lower House to be first commissioner for the Union, until the last assembly of Parliament, when I was chosen messenger of both Houses in the petitions of religion (which were my two first and last services), having passed a number of services of importance, your Majesty never chid me, neither did ever any public service miscarry in my hands; this was the remembrance of my prosperity; the second was of my adversity, which in few words is this, that as my fault was not[2] against your Majesty, so my fall was not your act; and therefore I hope I shall live and die in your favour.

I have this further to say in the nature of an humble oblation; for things once dedicated and vowed cannot leese their character, nor be made common; I ever vowed myself to your service. Therefore, first,

> If your Majesty do at any time find it fit for your affairs to employ me again publicly upon the stage, I shall so live and spend my time, as neither discontinuance shall disable me nor adversity shall discourage me nor any thing that I shall do give any new scandal or envy upon me.

[1] Gibson Papers, vol. viii. f. 273. Written in Greek characters. Docketed by Bacon "Mem. of access."

[2] First written "no wayes."

Secondly, if your Majesty shall not hold that fit; yet if it shall please you at any time to ask my opinion or require my proposition privately by my Lord Marquis, or any your counsellor that is my friend, touching any commission or business (for, as Ovid said, *Est aliquid luce patente minus*); I shall be glad to be a labourer or pioneer in your service.

Lastly and chiefly, because your Majesty is an universal scholar or rather master, and my pen (as I may speak it) passeth if not gaineth upon the world, your Majesty would appoint me some task or literary province, that I may serve you *calamo* if not *consilio*.[1]

I know that this I say savoureth of some conceit of mine own ability or worth, but I pray your Majesty impute it to desire (*possunt quia posse videntur*); and again, I should do some wrong to your Majesty's school, if in sixteen years' access and near service I should think I had learned or laid up nothing.

May it please your Majesty, I have borne your M.'s image in metal. And I shall keep it in heart while I live.

That his Majesty's business never miscarried in my hands I do not impute to any extraordinary ability in myself, but to my freedom from particular either friends or ends, and my careful receipt of his Majesty's directions, being as I have formerly said to him but as a bucket and cistern to that fountain, a bucket to draw forth, a cistern to preserve.

I may allude to the three petitions of the Litany, *Libera nos Domine, parce nobis Domine,* and *exaudi nos Domine.* For the first, I am persuaded his Majesty had a mind to do it, and could not conveniently in respect of his affairs.[2] For the second, he hath done it in my fine and pardon.[3] For the third, he hath likewise performed, in restoring to the light of his countenance.

There be mountebanks, as well in the civil body as in the natural; I ever served his Majesty with modesty; no strouting, no undertaking.

[1] In the margin opposite this paragraph is written, also in Greek characters, "Buc. to have his turn."

[2] This must refer to his exclusion from the verge of the Court, and cannot therefore have been written after he obtained leave to live in London.

[3] Alluding to the assignment of his fine and the pardon with exception of the Parliamentary sentence.

Seneca saith, *Tam otii debet constare ratio quam negotii.* So I make his Majesty oblation of both.

For envy, it is an almanack of the old year, and as a friend of mine said, the Parliament died penitent towards me.

Of my offence far be it from me to say, *dat veniam corvis, vexat censura columbas:* but I will say that I have good warrant for; *they were not the greatest offenders in Israel, upon whom the wall of Shilo fell.*

What the King bestows upon me will be further seen than upon Paul's steeple.

My story is proud, I may thank your Majesty; for I heard him note of Tasso, that he could know which poem he made when he was in good condition, and which when he was a beggar. I thought he could make no such observation upon me.

My Lord hath done many things to shew his greatness, this of mine is one of them that shews his goodness.

I am like ground fresh. If I be left to myself I will graze and bear natural philosophy: but if the King will plough me up again, and sow me with anything, I hope to give him some yield.

Kings do raise and pull down and restore; but the greatest work is restoring.

For my part, I seek an *otium*, and, if it may be, a fat *otium*.

I am said to have a feather in my head. I pray God some have not mills in their head, that grind not well.

I am too old, and the seas are too long, for me to double the Cape of Good Hope.

Ashes are good for somewhat, for lees, for salts. But I hope I am rather embers than dead ashes, having the heat of good affections under the ashes of my fortunes.

Your Majesty hath power: I have faith. Therefore a miracle may be soon wrought.

I would live to study, and not study to live; yet I am prepared for *date obolum Belisario;* and I that have borne a bag can bear a wallet.

For my Pen.

If active, 1. The recompiling of laws.

2. The disposing of wards and generally education of youth.

3. Limiting the jurisdiction of courts, and prescribing rules for every of them.
Reglement of Trade.[1]

If contemplative, 1. Going on with the story of H. the 8th.
General Treatise *de Legibus et Justitiâ.*
The Holy War.

For my L. of Buck.

This I rank high amongst his favours.

To the K. of him; that the goodness of his nature may strive with the goodness of his fortune.

He hath but one fault, and that is that you cannot mar him with any accumulating of honours upon him.

Now after this sunshine, a little dew; that same warr^t^.[2]

Whale not, he will overturn boat or bark, or admiral or other.

For the Prince.

Ever my chief patron.

The work of the Father is creation; of the Son redemption.

You would have drawn me out of the fire; now out of the mire.

To ask leave of the King to kiss the Prince's hands, if he be not now present.

2.

The next letter must have been written about the same time as these notes—that is, *after* the consideration of Bacon's estate had been recommended to the Lord Treasurer, and *before* he had written the letter of thanks to Buckingham, which on the 11th of March he was purposing to write "after he had a little paused," and which he did write on the 20th. The date lies therefore between the same limits, and it will be seen that the view of the situation is exactly the same.

In the mean time the 'History of Henry the VII.,' the manuscript of which was sent to the King shortly after the 8th of October and returned shortly after the 7th of January,[3] had gone through the

[1] Added afterwards, apparently; not being in Greek characters, and not numbered.

[2] Probably the warrant for his release from confinement, which he got on the 20th of March, or thereabouts.

[3] See above pp. 303, 325.

press, and was now ready for delivery; when one of those smaller vexations with which fortune loves to persecute those who have lost her favour crossed him in a manner quite unexpected and still inexplicable. The Bishop of London, Dr. George Mountain, interposed a "stay." Whether he had been consulting with the Lord Keeper (who had just succeeded him in his late Bishopric) and been told that the Houses of Parliament would think themselves mocked and derided if a man whom they had judged unworthy to be a constable were allowed to publish a book,—or whether he thought that a man who might not *come* within the verge ought not to *print* within the verge,—or whether he feared that literature itself would be disgraced if convicts were permitted to become authors,—or what else was the nature of his objection, we are left to guess: for it cannot have been anything that he found in the book itself, and all we know is that Bacon heard from Meautys on the 21st of March that the publication of the book had been arrested by some "demur" on the part of the Bishop of London. But whatever it was, it appears to have been speedily overruled, for we hear no more of it, and we know that the book was out before the end of the month,[1] and might be bought in the shops for six shillings.[2]

While the manuscript remained with the King, and Bacon waited for the effect (which was not much, so far), he turned his own attention to his philosophy,—selecting for his next task that part which was furthest advanced;—the completion and translation into Latin of the argument of the 'Advancement of Learning,' which he had now resolved to make serve for the first part of the *Instauratio Magna*. This was already so far advanced that he expected it to be finished by the end of the summer.[3] If the 'History of Henry VII.' took two months and a half to go through the press, the *De Augmentis Scientiarum*, being in Latin and about twice the size, would not be likely to take less than six: even if the manuscript were as complete and fair, and the printing were pressed on as fast. And therefore though it was not out before October, 1623, we need not doubt that the composition was the work mainly of the winter of 1621 and the following spring and summer.

But it was important for Bacon, as his affairs and prospects now stood, to keep the King in mind of him by labours in which he had a more direct interest. He had given a fair specimen of the service he was capable of as a historian, and he wished to shew what use might still be made of him as a lawyer. Now the recompilement of

[1] Chamberlain to Carleton, 30 March, 1622. S. P.
[2] 'Court and Times of James I.,' vol. ii. p. 303.
[3] See Letter to Baranzano, a little further on.

the Laws was a work of which he had long since and repeatedly pointed out the value, and offered his help in.[1] It was a work which he was particularly well suited to superintend, if he might have the requisite authority and assistance. And there was no occasion more suitable for a renewal of the proposal than the presentation of a copy of the 'History of Henry VII.'

If the reader bears these things in mind, he will find no difficulty in understanding the correspondence which follows.

To MR. TOBIE MATTHEW.[2]

Good Mr. Matthew,

When you write by pieces it sheweth your continual care; for a flush of memory is not so much; and I shall be always on my part ready to watch for you, as you do for me.

I will not fail, when I write next to my Lord Marquis, to thank his Lordship for the message, and to name the nuntius. And to tell you plainly, this care (they speak of) concerning my estate was more than I looked for at this time, and it is that which pleaseth me best. For my desires reach but to a fat *otium*. That is truth; and so would I have all men think, except the greatest; for I know Patents *absque aliquo inde reddendo* are not so easily granted.

I pray commend my service to the Spanish Ambassador, and present him my humble thanks for his favour. I am much his servant, and ashes may be good for somewhat. I ever rest

Your most affectionate and assured friend,

FR. ST. ALBAN.

I have sought for your little book, and cannot yet find it. I had it one day with me in my coach. But sure it is safe; for I seldom leese books or papers.

THOMAS MEAUTYS, ESQ., TO THE LORD VISCOUNT ST. ALBAN.[3]

May it please your Lordship,

I have been attending upon my Lord Marquis his minutes for the signing of the warrant.[4] This day he purposed in earnest to have done it; but it falls out untowardly; for the warrant was drawn, as your Lord-

[1] See Vol. VI. pp. 57–71.

[2] Gibson Papers, vol. viii. f. 268. Draught in Bacon's hand.

[3] Gibson Papers, vol. viii. f. 234. Original, though not signed. Docketed by Bacon, "Mewt sin dat."

[4] Probably for permitting him to come within the verge of the Court.

ship remembers, in haste at Gorhambury, and in as much haste delivered to Sir Edward Sackville as soon as I alighted from my horse, who instantly put it into my Lord Marquis his hands, so that no copy could possibly be taken of it by me. Now his Lordship hath searched much for it and is yet at a loss, which I knew not till six this evening, and because your Lordship drew it with caution, I dare not venture it upon my memory to carry level what your Lordship writ, and therefore dispatched away this messenger, that so your Lordship by a fresh post (for this will hardly do it) may send a warrant to your mind ready drawn to be here to-morrow by seven o'clock, as Sir Arthur[1] tells me my Lord Marquis hath directed. For the King goes early to Hampton-Court, and will be here on Saturday.

Your books are ready, and passing well bound up. If your Lordship's letters to the King, Prince, and my Lord Marquis be ready, I think it were good to lose no time in the delivery; for the printer's fingers itch to be selling. My Lady hath seen the house at Chiswick, and can make a shift to like it; only she means to come to your Lordship thither, and not to go first, and therefore your Lordship may please to make the more haste, for the great Lords long to be in York-house. Mr. Johnson will be with your Lordship to-morrow; and then I shall write the rest.

Your Lordship's in all humbleness
to honour and serve you.
[No signature.]

To Thomas Meautys, Esq.[2]

Good Mr. Meautys,

For the difference of the warrant, it is not much material at the first. But I may not stir till I have it, and therefore I expect it to-morrow.

For my Lord of London's stay, there may be an error in my book; but I am sure there is none in me, since the King had it three months by him, and allowed it. If there be any thing to be amended, it is better it be spied now than hereafter.

I send you the copies of the three letters which you have,[3] and in mine own opinion this demur as you term it of my Lord of London maketh it more necessary than before that they were delivered, specially in regard they contain withal my thanks. It may be signified they were sent before I knew of any stay, and

[1] Ingram, I suppose.

[2] Gibson Papers, vol. viii. f. 164. Original draught in Bacon's hand. No fly-leaf. Indorsed, "To Mr. Thos. Meautys."

[3] That is, I suppose, the fair copies in Bacon's own hand of the letters to the King, the Prince and Buckingham, which were to be delivered along with the copies of the book.

being but in those three hands, they are private enough. But this I leave merely to your discretion, resting

Your most affectionate and assured friend,

FR. ST. ALBAN.

21 March, 1621.

To THE RIGHT HONOURABLE HIS VERY GOOD LORD, THE LORD MARQUIS OF BUCKINGHAM, HIGH ADMIRAL OF ENGLAND.[1]

My very good Lord,

These main and real favours which I have lately received from your good Lordship, in procuring my liberty, and a reference of the consideration of my relief, are such as I now find that in building upon your Lordship's noble nature and friendship I have built upon the rock,[2] where neither winds nor waves can cause overthrow. I humbly pray your Lordship to accept from me such thanks as ought to come from him whom you have much comforted in fortune, and much more comforted in shewing your love and affection to him; of which also I have heard by my Lord of Falkland, Sir Ed. Sackville, Mr. Matthew, and other wise.

I have written, as my duty was, to his Majesty thanks touching the same, by the letter I here put into your noble hands.

I have made also in that letter an offer to his Majesty of my service, for bringing into better order and frame the laws of England. The declaration whereof I have left with Sir Edward Sackville, because it were no good manners to cloy his Majesty at this time of triumph and recreation with a business of this nature. So as your Lordship may be pleased to call for it to Sir Edward Sackville when you think the time seasonable.

I am bold likewise to present your Lordship with a book of my History of king Henry the seventh. And now that, in summer was twellmonth, I dedicated a book to his Majesty; and this last summer, this book to the Prince; your Lordship's turn is next, and this summer that cometh (if I live to it) shall be yours. I have desired his Majesty to appoint me the task,

[1] Tanner MSS. 73 (i.) f. 111. Original.

[2] In the draught of this letter (Gibson Papers, vol. viii. f. 141) opposite to these words is written in the margin "for if a mist be upon the rock sometimes, that is nothing to the builder."

otherwise I shall use mine own choice; for this is the best retribution I can make to your Lordship. God prosper you. I rest

Your Lordship's most obliged friend
and faithful servant,
FR. ST. ALBAN.

Gorhambury, this 20th of March, 1621.

TO THE KING'S MOST EXCELLENT MAJESTY.[1]

May it please your Majesty,

I acknowledge myself in all humbleness infinitely bounden to your Majesty's grace and goodness, for that at the intercession of my noble and constant friend my Lord Marquis, your Majesty hath been pleased to grant me that which the civilians say is *Res Inæstimabilis*, my liberty; so that now, whenever God calleth me, I shall not die a prisoner. Nay further, your Majesty hath vouchsafed to cast a second and iterate aspect of your eye of compassion upon me in referring the consideration of my broken estate to my good Lord the Lord Treasurer; which as it is a singular bounty in your Majesty, so I have yet so much left of a late commissioner of your treasure, as I would be sorry to sue for any thing that mought seem immodest.

These your Majesty's great benefits in casting your bread upon the waters (as the Scripture saith) because my thanks cannot any ways be sufficient to attain, I have raised your progenitor of famous memory (and now I hope of more famous memory than before) King Henry the 7th, to give your Majesty thanks for me; which work, most humbly kissing your Majesty's hands, I do present. And because in the beginning of my trouble, when in the midst of the tempest I had a kenning of the harbour which I hope now by your Majesty's favour I am entring into, I made a tender to your Majesty of two works, *An history of England* and *A digest of your laws*; as I have (by a figure of *pars pro toto*) performed the one, so I have herewith sent your Majesty, by way of an epistle, a new offer of the other. But my desire is further, if it stand with your

[1] Tanner MSS. 73, (i.) f. 109. Original. In Gibson Papers, vol. viii. f. 142, are three rough draughts in Bacon's own hand.

Majesty's good pleasure, since now my study is my exchange and my pen my factor for the use of my talent, that your Majesty (who is a great master in these things) would be pleased to appoint me some task to write, and that I shall take for an oracle.

And because my *Instauration* (which I esteem my great work, and do still go on with in silence) was dedicated to your Majesty; and this History of King Henry the 7th to your lively and excellent image the Prince; if now your Majesty will be pleased to give me a theme to dedicate to my Lord of Buckingham, whom I have so much reason to honour, I should with more alacrity embrace your Majesty's direction than mine own choice. Your Majesty will pardon me for troubling you thus long. God evermore preserve and prosper you.

Your Majesty's poor beadsman most devoted,

Fr. St. Alban.

Gorhamb., 20 Mar., 1620.

An offer to the King of a Digest to be made of the Laws of England.[1]

Most Excellent Sovereign,

Amongst the degrees and acts of sovereign or rather heroical honour, the first or second is the person and merit of a Lawgiver. Princes that govern well are fathers of the people. But if a father breed his son well, or allow him well while he liveth, but leave him nothing at his death whereby both he and his children and his children's children may be the better, surely the care and piety of a father is not in him complete. So Kings, if they make a portion of an age happy by their good government, yet if they do not make testaments (as God Almighty doth) whereby a perpetuity of good may descend to their country, they are but mortal and transitory benefactors. Domitian, a few days before he died, dreamt that a golden head did rise upon the nape of his neck. Which was truly performed in the golden age that followed his times, for five successions. But Kings, by giving their subjects good laws, may (if they will) in their own time join and graft this golden

[1] Certain Miscellany works of the Right Honourable Francis Lo. Verulam, Viscount S. Alban. Published by William Rawley, Doctor of Divinity, one of his Majesty's chaplains. London, 1629, p. 135.

head upon their own necks after their death. Nay they may make Nabuchadonozor's image of monarchy golden from head to foot. And if any of the meaner sort of politiques, that are sighted only to see the worst of things, think that laws are but cobwebs, and that good Princes will do well without them and bad will not stand much upon them, the discourse is neither good nor wise. For certain it is that good laws are some bridle to bad princes, and as a very wall about government. And if tyrants (sometime) make a breach into them, yet they mollify even tyranny itself; as Solon's laws did the tyranny of Pisistratus. And then (commonly) they get up again upon the first advantage of better times. Other means to perpetuate the memory and merits of Sovereign Princes are inferior to this. Buildings of temples, tombs, palaces, theatres, and the like, are honourable things, and look big upon posterity. But Constantine the Great gave the name well to those works, when he used to call Trajan, that was a great builder, *Parietaria*, Wall-flower; because his name was upon so many walls. So if that be the matter, that a King would turn wall-flower, or pellitory of the wall, with cost he may. Adrian's vein was better; for his mind was to wrastle a fall with time; and being a great progressor through all the Roman empire, whenever he found any decays of bridges, or highways, or cuts of rivers and sewers, or walls, or banks, or the like, he gave substantial order for their repair with the better. He gave also multitudes of charters and liberties for the comfort of corporations and companies in decay. So that his bounty did strive with the ruins of time. But yet this, though it were an excellent disposition, went but (in effect) to the cases and shells of a commonwealth. It was nothing to virtue or vice. A bad man might indifferently take the benefit and ease of his ways and bridges, as well as a good; and bad people might purchase good charters. Surely the better works of perpetuity in Princes are those that *wash the inside of the cup*. Such as are foundations of Colleges and Lectures, for learning and education of youth; likewise foundations and institutions of Orders and Fraternities, for nobleness, enterprise, and obedience, and the like. But yet these also are but like plantations of orchards and gardens in plots and spots of ground here and there; they do not till over the whole kingdom, and make it fruitful, as doth the establishing of good Laws and Ordinances;

which makes a whole nation to be as a well-ordered college or foundation.

This kind of work, in the memory of times, is rare enough to shew it excellent; and yet not so rare as to make it suspected for impossible, inconvenient, or unsafe. *Moses*, that gave laws to the Hebrews, because he was the scribe of God himself, is fitter to be named for honour's sake to other lawgivers, than to be numbered or ranked amongst them. *Minos*, *Lycurgus*, and *Solon*, are examples for themes of grammar scholars. For ancient personages and characters, now-a-days, use to wax children again; though that parable of Pindarus be true, *The best thing is water*. For common and trivial things are (many times) the best, and rather despised upon pride, because they are vulgar, than upon cause or use. Certain it is that the laws of those three lawgivers had great prerogatives. The first of *fame*, because they were the pattern amongst the Grecians. The second of *lasting*, for they continued longest without alteration. The third, of a *spirit of reviver*, to be often oppressed and often restored.

Amongst the seven *Kings* of Rome four were law-givers. For it is most true, that a discourser of Italy saith: *There was never state so well swaddled in the infancy as the Roman was, by the virtue of their first Kings.* Which was a principal cause of the wonderful growth of that state in aftertimes.

The *Decemvirs'* laws were laws upon laws, not the original; for they grafted laws of Grecia upon Roman stock of laws and customs. But such was their success, as the Twelve Tables which they compiled were the main body of the laws which framed and wielded[1] the great body of that estate. These lasted a long time, with some supplementals and the Pretorian Edicts *in albo;* which were, in respect of laws, as writing tables in respect of brass; the one to be put in and out, as the other is permanent.

Lucius Cornelius Sylla reformed the laws of Rome. For that man had three singularities, which never tyrant had but he; That he was a lawgiver; That he took part with the nobility; and That he turned private man, not upon fear, but upon confidence.

Cæsar long after desired to imitate him only in the first; for otherwise he relied upon new men; and for resigning his power

[1] 'Welded' in a manuscript copy (Addl. MSS. 5503, f. 121 b). Rawley's copy has 'weilded.'

Seneca describeth him right; *Cæsar gladium cito condidit nunquam posuit. Cæsar soon sheathed his sword, but never put it off.* And himself took it upon him, saying in scorn of Sylla's resignation; *Sylla nescivit literas, dictare non potuit. Sylla knew no letters, he could not dictate.* But for the part of a lawgiver, Cicero giveth him the attribute. *Cæsar, si ab eo quæreretur, quid egisset in togâ; leges se respondisset multas et præclaras tulisse. If you had asked Cæsar what he did in the gown, he would have answered, that he made many excellent laws.* His nephew *Augustus* did tread the same steps, but with deeper print, because of his long reign in peace; whereof one of the poets of his time saith,

Pace datâ terris, animum ad civilia vertit
Jura suum; legesque tulit justissimus author.

From that time, there was such a race of wit and authority between the Commentaries and Decisions of the lawyers and the Edicts of the Emperors, as both laws and lawyers were out of breath. Whereupon *Justinian* in the end recompiled both; and made a body of laws such as might be wielded;[1] which himself calleth gloriously, and yet not above truth, *the edifice or structure of a sacred Temple of Justice,* built indeed out of the former ruins of books, as materials, and some novel constitutions of his own.

In Athens they had *Sexviri* (as Æschines observeth) which were standing Commissioners, who did watch to discern what laws waxed unproper for the times, and what new law did in any branch cross a former law, and so *ex officio* propounded their repeal.

King Edgar collected the laws of this kingdom, and gave them the strength of a faggot bound, which formerly were dispersed; which was more glory to him than his sailing about this island with a potent fleet. For that was, as the Scripture saith, *via navis in mari, the way of a ship in the sea;* it vanished; but this lasteth. *Alphonso the Wise* (the ninth of that name), King of Castile, compiled the digest of the laws of Spain, intituled the *Siete Partidas;* an excellent work, which he finished in seven years. And as Tacitus noteth well, That the Capitol, though built in the beginnings of Rome, yet was fit for the great monarchy that

[1] 'Welded' in MS. 'Weilded' in Rawley's copy.

came after; so that building of laws sufficeth the greatness of the empire of Spain which since hath ensued.

Lewis the Eleventh had it in his mind (though he performed it not) to have made one constant law of France; extracted out of the Civil Roman law, and the Customs of Provinces which are various, and the King's Edicts, which with the French are Statutes. Surely he mought have done well, if, like as he brought the crown (as he said himself) from *Page*, so he had brought his people from *Lackey*; not to run up and down for their laws to the Civil Law, and the ordinances and the customs and the discretions of courts, and discourses of philosophers, as they use to do.

King Henry the Eighth, in the twenty seventh year of his reign, was authorized by Parliament to nominate thirty-two commissioners, part ecclesiastical, and part temporal, to purge the Canon Law, and to make it agreeable to the Law of God and the Law of the Land. But it took no effect. For the acts of that King were (commonly) rather proffers and fames, than either well-grounded or well pursued. But I doubt I err in producing so many examples. For as Cicero said to Cæsar, so I may say to your Majesty, *Nil vulgare te dignum videri possit.* Though indeed this well understood is far from vulgar. For that the laws of the most kingdoms and states have been like buildings of many pieces, and patched up from time to time according to occasions, without frame or model.

Now for the Laws of England, (if I shall speak my opinion of them without partiality either to my profession or country) for the matter and nature of them, I hold them wise, just, and moderate laws. They give to God, they give to Cæsar, they give to the subject, what appertaineth. It is true they are as mixt as our language, compounded of British, Roman, Saxon, Danish, Norman customs: and surely as our language is thereby so much the richer, so our laws are likewise by that mixture the more complete.

Neither doth this attribute less to them, than those that would have them to have stood out the same in all mutations. For no tree is so good first set, as by transplanting and grafting. I remember what happened to Callisthenes, that followed Alexander's court, and was grown into some displeasure with him, because he could not well brook the Persian adoration. At a

supper (which with the Grecians was a great part talk), he was desired (the King being present) because he was an eloquent man, to speak of some theme; which he did; and chose for his theme the praise of the Macedonian nation: Which though it were but a filling thing to praise men to their faces, yet he performed it with such advantage of truth and avoidance of flattery, and with such life, as was much applauded by the hearers. The King was the less pleased with it, not loving the man, and by way of discountenance said: *It was easy to be a good orator in a pleasing theme.* But, saith he to him, *turn your stile, and tell us now of our faults, that we may have the profit, and not you the praise only;* Which he presently did, with such quickness, that Alexander said, *That malice made him eloquent then, as the theme had done before.* I shall not fall into either of these extremes in this subject of the laws of England. I have commended them before for the matter, but surely they ask much amendment for the form; Which to reduce and perfect, I hold to be one of the greatest dowries that can be conferred upon this kingdom. Which work, for the excellency, as it is worthy your Majesty's act and times, so it hath some circumstance of propriety agreeable to your person. God hath blessed your Majesty with posterity; and I am not of opinion that Kings that are barren are fittest to supply perpetuity of generations by perpetuity of noble acts; but contrariwise, that they that leave posterity are the more interessed in the care of future times; that as well their progeny as their people may participate of their merit.

Your Majesty is a great master in justice and judicature; and it were pity the fruit of that your virtue should not be transmitted to the ages to come. Your Majesty also reigneth in learned times, the more (no doubt) in regard of your own perfection in learning, and your patronage thereof. And it hath been the mishap of works of this nature, that the less learned time hath (sometimes) wrought upon the more learned; which now will not be so. As for myself, the law was my profession, to which I am a debtor. Some little helps I have of other arts, which may give form to matter: and I have now (by God's merciful chastisement, and by his special providence) time and leisure to put my talent, or half-talent, or what it is, to such exchanges as may perhaps exceed the interest of an active life. Therefore, as in the beginning of my troubles I made offer to

your Majesty to take pains in the Story of England, and in compiling a Method and Digest of your Laws; so have I performed the first (which rested but upon myself) in some part: and I do in all humbleness renew the offer of this latter (which will require help and assistance) to your Majesty, if it shall stand with your good pleasure to employ my service therein.

To MR. TOBIE MATTHEW.[1]

Good Mr. Matthew,

I do make account, God willing, to be at Chiswick Saturday, or because this weather is terrible to one that hath kept much in, Monday.

In my letter of thanks to my Lord Marquis which is not yet delivered, but to be forthwith delivered, I have not forgotten to mention that I have received signification of his noble favour and affection amongst other ways from yourself by name. If upon your repair to the court (whereof I am right glad) you have any speech with the Marquis of me, I pray place the alphabet (as you can do it right well) in a frame to express my love faithful and ardent towards him. And for York-house, that whether in a straight line or a compass line, I meant it his Lordship, in the way which I thought might please him best. I ever rest

Your most affectionate and assured friend

FR. ST. ALBAN.

27 March, 1621 [1622.][2]

Though your journey to court be before your receipt of this letter, yet it may serve for another time.

To THE QUEEN OF BOHEMIA.[3]

It may please your Majesty,

I find in books (and books I dare alledge to your Majesty, in regard of your singular ability to read and judge of them even above your sex) that it is accounted a great bliss for a man

[1] Gibson Papers, vol. viii. f. 165. Original draught in Bacon's hand. No fly-leaf, nor indorsement.

[2] The letter had been dated 21 originally. 'But the 1 has been turned into 7 afterwards, and with a paler ink. The 1621, therefore, should also have been changed into 1622. It is probable that the letter, all but the P.S. was written on the 21st but not sent till the 27th.

[3] Gibson Papers, vol. viii. f. 166. Fair copy in Bacon's hand. No fly-leaf, nor indorsement.

to have Leisure with Honour. That was never my fortune; nor is. For time was, I had Honour without Leisure; and now I have Leisure without Honour. And I cannot say so neither altogether; considering there remain with me the marks and stamp of the King's, your father's, grace: though I go not for so much in value as I have done. But my desire is now to have Leisure without Loitering, and not to become an abbey-lubber, as the old proverb was, but to yield some fruit of my private life. Having therefore written the reign of your Majesty's famous ancestor, King Henry the Seventh, and it having passed the file of his Majesty's judgment, and been graciously also accepted of the Prince, your brother, to whom it is dedicate, I could not forget my duty so far to your excellent Majesty (to whom, for that I know and have heard, I have been at all times so much bounden as you are ever present with me both in affection and admiration) as not to make unto you in all humbleness a present thereof, as now being not able to give you tribute of any service. If King Henry the Seventh were alive again, I hope verily he could not be so angry with me for not flattering him as well-pleased in seeing himself so truly described in colours that will last and be believed. I most humbly pray your Majesty graciously to accept of my good will, and so with all reverence kiss your hands, praying to God above, by his divine and most benign providence to conduct your affairs to happy issue, and resting

Your Majesty's most humble
and most devoted servant,
Fr. St. Alban.

20 April, 1622.

For the answer to this letter we are indebted to a correspondent of the 'Athenæum,' who met not long ago at Amsterdam with a translation of Bacon's Essays which had not been heard of before by any of his editors. It was a translation into Dutch by Peter Boëner,[1] an apothecary at Nymeguen, who had been in Bacon's service, and employed both as an apothecary and an amanuensis. Among the introductory matter there was a letter from Elizabeth of Bohemia to Bacon, which Boëner had translated at Bacon's own desire, and of which the writer sends a copy in English. Whether it is the original or a retranslation, I do not clearly gather from his state-

[1] 4to. 195 pages. 1646.

ment. But it reads as if it might be her own English, and is evidently her answer to Bacon's last. Boëner's account of it is thus given. "Having found this letter on his table, the author[1] desired me to make a translation of it, and to keep that; saying 'Because it comes from your country.'"[2]

To the Lord St. Alban.

My Lord,

I thank you very much for your letter and your book, which is the best I ever read of the kind; and though my wit does not deserve the honour which you give me, yet with the little wit I have I consider that worthy Prince fortunate in having found so faithful a biographer as you are; and I am very sorry that I cannot show otherwise but by my letters my gratitude for this and other benefits for which I am beholden to you: and though your fortunes are changed (for which I grieve) believe that I shall not change to be what I am,

Your very affectionate friend

Elizabeth.

The Hague, the 11th of June, 1622.

The next letter relates to one of the lesser troubles which pursue the unfortunate.

To the Lord Keeper, Dr. Williams, Bishop of Lincoln.[3]

My very good Lord,

I understand there is an extent[4] prayed against me and a surety of mine by the executors of one Harrys, a goldsmith. The statute is twelve years old, and fallen to an executor, or an executor of an executor, I know not whether. And it was sure a statute collected out of a shop-debt, and much of it paid. I humbly pray your Lordship according to justice and equity to stay the extent, being likewise upon a double penalty, till I may better inform myself touching a matter so long past, and if it

[1] Meaning Bacon.

[2] See a letter to the Editor of the 'Athenæum.' dated Dort, and signed A. C. Loffelt, in the number for June 10, 1871.

[3] Gibson Papers, vol. viii. f. 167. Original draught in Bacon's hand. No fly-leaf. Indorsed "A copy of letter to my Lo. Keep. about the extent."

[4] "*Extend* . . . signifieth in our common law to value the lands or tenements of one bound by statute, etc., that hath forfeited his bond, to such an indifferent rate as by the yearly rent the obligour may in time be paid his debt." Cowell's Interpreter.

be requisite put in a bill, that the truth of the account appearing such satisfaction may be made as shall be fit. So I rest

Your Lordship's affectionate
to do you faithful service,
FR. ST. ALBAN.

30 May, 1622.

3.

Among the papers sent to Tenison in 1682, there appears to have been a letter from Bacon to the King of the same date as his letter to the Queen of Bohemia, and upon the same subject. For I find one thus described in Stephens's catalogue: (date) "20 April, 1622." (Beginning) "I could not forget." (Subject) "Concerning his History of Henry VII." It may have been only an answer to some gracious communication, such as he probably received in acknowledgment of the presentation copy. But whatever it was, it would be well worth recovering, if possible: and as we know nothing of the fate of these missing letters except that *some* of them have found their way into other collections, it is quite possible that the others are still in existence and may yet be brought out. It might perhaps throw some light upon the history of another work which he appears to have begun about this time, and to have *designed* for a work of considerable extent and importance, though he did not carry it much beyond the opening. His object at this time was to to be furnished with "peace and leisure" for a life of literary industry. The conditions necessary for the enjoyment of such a life were the payment of his debts and relief from anxieties about means to live. The condition necessary to entitle him to such relief was the offer of useful and acceptable service in that line of life. He had already shown what service he could do as the historian of his country. He had indicated the use that might still be made of his legal experience and cultivation. He had yet to show what use might be made of him as a politician,—though of the study only and not of the council. We have seen that in his "memorial of access"—that is, the notes of what he meant to say to the King at the interview which he expected to have with him in March,—he sets down among the subjects for his pen,—"if contemplative,"—"the Holy War." And it may be asked what Holy War he alluded to.

It was a political speculation closely connected with the great problem of English politics at that time,—how to avert the danger with which the constitution was threatened from the dependence of the Crown upon the Commons for supplies which the affairs of the country needed,—from the fact that the Commons had, and knew that

they had, the means of placing the government in such difficulties for want of money, that if they had courage and resolution to face the immediate consequences, they could ultimately compel the government to accept it upon their own terms. The danger was beginning to be felt in Elizabeth's times, but it was kept under by the general sense of the perils by which England and Protestantism were still surrounded, and by a general feeling that the safety of the nation depended upon the action of her government. While a Spanish armada was possible, it was impossible for English patriots to join in any attempt to weaken and embarrass the executive. Throughout James's reign on the contrary, there was a general feeling of security at home: and though there were many who were eager to be at liberty to attack and plunder Spain, no one was afraid of anything that Spain could do in return against England. In the eyes of the patriots, the King's embarrassments were his own business, and were no hindrance to theirs, but rather a help; their business being to assert and enforce what they called their rights; but what were in fact pretensions to a position in the constitution which they had not as yet enjoyed. Bacon,—to whom, though he has been sometimes represented as quite blind to what was coming, this state of things had long been a matter of the gravest anxiety,—had come to the conclusion that the best, if not the only, chance of healing the growing breach was to engage the country in some popular quarrel abroad: and I have little doubt that if his advice had been asked he would have recommended a steady opposition to Spain in the interests of Protestantism, and if it led to a war would have thought it all the more fortunate. But when in March, 1617, the King's declaration of the past history and present state of the negotiations for the Spanish match satisfied him that this policy was for the time out of the question, he turned to consider in what ways an alliance between England and Spain (since alliance it was to be) might be employed for the benefit of the world. For the differences between Catholics and Protestants, the best effect that could be hoped for was a greater disposition towards mutual toleration, so far as it depended upon the action of the two governments. But there were many things important to Christendom in which Protestants and Catholics had a common interest. The pirates of Algiers had no preference for Protestant prizes over Catholic, or Catholic over Protestant. And the Ottoman was the common enemy of both—an enemy bound by principle, religion, and tradition to propagate his faith by the sword: still professing arms as his principal occupation; and though declining, still thought dangerous.[1] It might be, he thought, (among other things

[1] "The Turks, a band of Sarmatian Scithes . . . . out of which after much

of more immediate concern) "a beginning and seed (for the like actions before had had less beginnings) of a holy war against the Turk, whereunto it seemed the events of time did invite Christian kings, in respect of the great corruption and relaxation of discipline of war in that empire; and much more in respect of the utter ruin and enervation of the Grand Signor's navy and forces by sea; which opened a way (without congregating vast armies by land) to suffocate and starve Constantinople, and thereby to put those provinces into mutiny and insurrection." [1]

This was a matter for the negotiators to talk about in the intervals of their business,—as a thing which might come under serious consideration if the alliance should prosper. For some years this did not seem very likely. The fresh demands, interruptions, and delays which the Spanish government was continually interposing, and the complications which grew out of the Bohemian revolution, had been raising the hopes of those who wished it to fail and the fears of those who wished it to succeed, till during full twelve months—from the autumn of 1620 till the autumn of 1621—everybody expected that the treaty would be broken off by a war. But the circumstances under which Parliament was dissolved in the beginning of 1622 altered the prospect. Gondomar thought that there was an end of Parliaments in England, that the King would be inevitably thrown into the arms of Spain, and that though the people would be much enraged, they would not be able to help themselves. Digby regarded it as settling the question as to the expediency of the match. The Palatinate could not now be rescued except by the co-operation of Spain; and in order to secure that co-operation the marriage must be concluded. The Spaniards, ready to do whatever was necessary to keep James on their side and detach him from the Protestant cause in the European quarrel, professed the strongest wish for the alliance, promised everything that was likely to encourage him to proceed with it, and made Digby believe that they intended performance. It was only by the absolute authority of the two Kings he said, that the business could be brought to any good conclusion;[2] the Spanish Council of State had decided, after a full discussion of the question of the Palatinate, that complete satisfaction should be given to the King of England: and he "made no doubt but that

variety of fortune, sprung the Othoman family, *now the terror of the world.*" Speech on General Naturalisation, February 1606–7. Vol. III. p. 324.

"The Turks have it" [the profession of arms, etc.] "at this day, though in great declination." Essay on the Greatness of Kingdoms and Estates. 1625. Works, vol. VI. p. 449.

[1] Remembrance additional to the instructions of Sir John Digby. March 23, 1616–7. Vol. VI. p. 158.

[2] 13 July, 1622. Gardiner ii., p. 221.

the Prince should entirely be restored both to his territories and his electorate: and the King of Spain, merely to gratify his Majesty, would make it his work.[1]

Whether wisely or unwisely, therefore, the relations between England and Spain had been brought back to much the same condition in which they were in the spring of 1617, when Bacon suggested the additional instructions to Digby: and if any use could be made of the conjunction of the two Kings in making Christendom safe against Ottoman aggression, it seemed to be a fit time for taking the subject into consideration. To prepare the way, Bacon proposed to enter into a thorough discussion of the question in all its bearings, by means of an imaginary debate in which all opinions were to be represented. The speakers were to be a moderate divine, a Protestant zealot, a Roman Catholic zealot, a soldier, a statesman, and a courtier. The first point,—"whether a war for the propagation of the Christian faith, without other cause of hostility, be lawful or no, and in what cases"—was assigned to the Roman Catholic zealot. The second—whether, supposing it to be lawful, it was not also "obligatory to Christian princes and states to design it"—was to be argued by the Protestant zealot. The third—whether allowing it to be in the absence of other engagements binding as well as lawful, "there were not other things to be preferred before it"—was to be handled by the moderate divine. The courtier was to contend that the idea was altogether vain and visionary, and the thing not to be seriously thought of. The statesman was to answer him, and show the general grounds for believing the enterprise practicable. And the soldier was to explain the particular means and preparations.

If it had been finished according to the design, and in a style and spirit answerable to the beginning, it would have been a very interesting record of the state of opinion then prevailing as to the duty of fighting for the faith, and a fine specimen of the discussion of a state-question by statesmen of different views. But it was carried no further than the opening speech, representing the opinion of the Roman Catholic zealot, which cannot be taken as representing Bacon's own, and remained as an unfinished piece in manuscript till after his death; when it was printed by Rawley among the 'Miscellany Works.' He had thought well enough however of what was done, to have it not only preserved but translated into Latin; and therefore its proper place in this edition is among the Literary works, where it will be found in the beginning of volume vii., with a preface

[1] 9 Aug. 1622. Letter to the Prince. S. P. Spain.

containing what else I had to say about it. But the "epistle dedicatory" which was printed along with it contains so much information about his personal position at this time, and about the progress and purpose of the writings which were now his business and his life, that I have thought it better to reproduce it entire in this place, to which by right of date it belongs. Certain trifling variations between the later copy and the earlier seem to imply that it was written in the summer of 1622.

To the Right Reverend Father in God, Lancelot Andrewes, Lord Bishop of Winchester, and Counsellor of Estate to his Majesty.[1]

My Lord,

Amongst consolations, it is not the least to represent to a man's self like examples of calamity in others. For examples give a quicker impression than arguments; and besides they certify us that which the Scripture also tendereth for satisfaction, *that no new thing is happened unto us.* This they do the better, by how much the examples are liker in circumstances to our own case; and more especially if they fall upon persons that are greater and worthier than ourselves. For as it savoureth of vanity to match ourselves highly in our own conceit; so on the other side it is a good sound conclusion, that if our betters have sustained the like events, we have the less cause to be grieved.

In this kind of consolation I have not been wanting to myself. though as a Christian I have tasted (through God's great goodness) of higher remedies. Having therefore, through the variety of my reading, set before me many examples both of ancient and later times, my thoughts (I confess) have chiefly stayed upon three particulars, as the most eminent and the most resembling. All three, persons that had held chief place of authority in their countries; all three ruined, not by war, or by any other disaster, but by justice and sentence, as delinquents and criminals; all three famous writers, insomuch as the remembrance of their calamity is now as to posterity but as a little picture of night-work, remaining amongst the fair and excellent tables of their acts and works: and all three (if that were any thing to the matter) fit examples to quench any man's ambition of rising again; for that they were every one of them restored

[1] 'Miscellany Works,' 1629, p. 79.

with great glory, but to their further ruin and destruction, ending in a violent death. The men were Demosthenes, Cicero, and Seneca; persons that I durst not claim affinity with, except the similitude of our fortunes had contracted it. When I had cast mine eyes upon these examples, I was carried on further to observe, how they did bear their fortunes, and principally how they did employ their times, being banished and disabled for public business: to the end that I might learn by them; and that they might be as well my counsellors as my comforters. Whereupon I happened to note, how diversly their fortunes wrought upon them; especially in that point at which I did most aim, which was the employing of their times and pens. In Cicero, I saw that during his banishment (which was almost two years) he was so softened and dejected, as he wrote nothing but a few womanish epistles. And yet, in mine opinion, he had least reason of the three to be discouraged: for that although it was judged, and judged by the highest kind of judgment, in form of a statute or law, that he should be banished, and his whole estate confiscated and seized, and his houses pulled down, and that it should be highly penal for any man to propound his repeal; yet his case even then had no great blot of ignominy; but it was thought but a tempest of popularity which overthrew him. Demosthenes contrariwise, though his case was foul, being condemned for bribery, and not simple bribery, but bribery in the nature of treason and disloyalty; yet nevertheless took so little knowledge of his fortune, as during his banishment he did much busy himself, and intermeddle with matters of state; and took upon him to counsel the state (as if he had been still at the helm) by letters; as appears by some epistles of his which are extant. Seneca indeed, who was condemned for many corruptions and crimes, and banished into a solitary island, kept a mean; and though his pen did not freeze, yet he abstained from intruding into matters of business; but spent his time in writing books of excellent argument and use for all ages; though he might have made better choice (sometimes) of his dedications.

These examples confirmed me much in a resolution (whereunto I was otherwise inclined) to spend my time wholly in writing; and to put forth that poor talent, or half talent, or what it is, that God hath given me, not as heretofore to particular exchanges, but to banks or mounts of perpetuity, which will

not break. Therefore having not long since set forth a part of my *Instauration*; which is the work that in mine own judgment (*si nunquam fallit imago*) I do most esteem; I think to proceed in some new parts thereof. And although I have received from many parts beyond the seas, testimonies touching that work, such as beyond which I could not expect at the first in so abstruse an argument; yet nevertheless I have just cause to doubt that it flies too high over men's heads. I have a purpose therefore (though I break the order of time) to draw it down to the sense, by some patterns of a *Natural Story* and *Inquisition*. And again, for that my book of *Advancement of Learning* may be some preparative, or key, for the better opening of the *Instauration*; because it exhibits a mixture of new conceits and old; whereas the *Instauration* gives the new unmixed, otherwise than with some little aspersion of the old for taste's sake; I have thought good to procure a translation of that book into the general language, not without great and ample additions, and enrichment thereof; especially in the second book, which handleth the *Partition of Sciences*; in such sort, as I hold it may serve in lieu of the first part of the *Instauration*, and acquit my promise in that part. Again, because I cannot altogether desert the civil person that I have borne, which if I should forget, enough would remember; I have also entered into a work touching *Laws*, propounding a character of justice in a middle term, between the speculative and reverend discourses of philosophers, and the writings of lawyers, which are tied and obnoxious to their particular laws. And although it be true that I had a purpose to make a particular digest or recompilement of the laws of mine own nation; yet because it is a work of assistance, and that that I cannot master by my own forces and pen, I have laid it aside. Now having in the work of my *Instauration* had in contemplation the general good of men in their very being, and the dowries of nature; and in my work of laws, the general good of men likewise in society, and the dowries of government; I thought in duty I owed somewhat unto mine own country, which I ever loved; insomuch as although my place hath been far above my desert, yet my thoughts and cares concerning the good thereof were beyond, and over, and above my place: so now being (as I am) no more able to do my country service, it remained unto me do it honour: which I have endea-

voured to do in my work of *The Reign of King Henry the Seventh*. As for my *Essays*, and some other particulars of that nature, I count them but as the recreations of my other studies, and in that sort purpose to continue them; though I am not ignorant that those kind of writings would, with less pains and embracement (perhaps), yield more lustre and reputation to my name, than those other which I have in hand. But I account the use that a man should seek of the publishing of his own writings before his death, to be but an untimely anticipation of that which is proper to follow a man, and not to go along with him.

But revolving with myself my writings, as well those which I have published, as those which I had in hand, methought they went all into the City, and none into the Temple; where, because I have found so great consolation, I desire likewise to make some poor oblation. Therefore I have chosen an argument, mixt of religious and civil considerations; and likewise mixt between contemplative and active. For who can tell whether there may not be an *exoriere aliquis?* Great matters (especially if they be religious) have (many times) small beginnings: and the platform may draw on the building. This work, because I was ever an enemy to flattering dedications, I have dedicated to your Lordship, in respect of our ancient and private acquaintance; and because amongst the men of our times I hold you in especial reverence.

Your Lordship's loving friend,

FR. ST. ALBAN.

4.

It was now a year and a half since the publication of the *Novum Organum*, and it was beginning to attract the attention of men of science in other countries. One of the first whom it brought into communication with Bacon was Father Redemptus Baranzano; professor of philosophy and mathematics at Anneci, still a young man, but distinguished as the author of several philosophical works. From him Bacon appears to have received a letter about this time, with some questions concerning the principles and practicability of the proposed method; as, how far syllogism was to be interdicted; what was to be done with the metaphysics; and how such a multitude of facts as must be included in a natural history sufficient for

the purposes of induction could be collected and handled. This letter, which would have been interesting, has not been preserved; but Bacon's answer came into the hands of J. P. Niceron, who printed it in his 'Memoirs of Illustrious Men.' It gives us some important intelligence as to the present position and progress of the 'Instauration,' and what he wanted to be done. But Baranzano died, unfortunately, before the end of the year—only 33 years old:—a death which deserves to be reckoned among Bacon's personal misfortunes. For a man of that eminence at that age, taking up the cause in such a spirit, must have proved a very valuable correspondent, and whether as a correcting critic or an efficient fellow-labourer, would doubtless have helped forward the work which he had most at heart.

To Father Redempt. Baranzan.[1]

Domine Baranzane,

Literas tuas legi libenter, cumque inter veritatis amatores ardor etiam candorem generet, ad ea quæ ingenuè petiisti, ingenuè respondebo.

Non est meum abdicare in totum[2] syllogismum. Res[2] est syllogismus magis inhabilis ad præcipua, quam inutilis ad plurima.

Ad Mathematica quidni adhibeatur? Cum fluxus materiæ & inconstantia corporis physici illud sit, quod inductionem desideret; ut per eam veluti figatur, atque inde eruantur notiones benè terminatæ.

De Metaphysicâ ne sis sollicitus. Nulla enim erit post veram Physicam inventam; ultra quam nihil præter divina.

In Physicâ prudenter notas, & idem tecum sentio, post notiones primæ classis, et axiomata super ipsas, per inductionem benè eruta et terminata, tuto adhiberi syllogismum, modo inhibeatur saltus ad generalissima, et fiat progressus per scalam convenientem.

De multitudine instantiarum, quæ homines deterrere possit, hæc respondeo:

Primò, quid opus est dissimulatione? Aut copia instantiarum comparanda, aut negotium deserendum. Aliæ omnes viæ, utcunque blandiantur, imperviæ.

Secundò (quod et ipse notas) prærogativæ instantiarum, et

[1] Niceron, tom. iii. p. 45. [2] *tantum* in the printed copy; and *Res*.

modus experimentandi circa experimenta lucifera (quem aliquando trademus), de multitudine ipsarum plurimum detrahent.

Tertiò, quid magni foret, rogo, si in describendis instantiis impleantur volumina, quæ historiam C. Plinii sextuplicent? In quâ tamen ipsâ plurima philologica, fabulosa, antiquitatis, non naturæ. Etenim veram historiam naturalem nihil aliud ingreditur præter instantias, connexiones, observationes, canones. Cogita alterâ ex parte immensa volumina philosophica; facilè perspicies maximè solida esse maximè finita.

Postremò, ex nostrâ philosophandi methodo excipietur in viâ plurimorum operum utilium messis, quæ ex speculationibus aut disputationibus sterilis aut nulla est.

Historiam naturalem ad condendam philosophiam (ut et tu mones) ante omnia præopto, neque huic rei deero, quantum in me est; utinam habeam et adjutores idoneos. Neque in hâc parte mihi quidpiam accidere possit felicius, quam si tu, talis vir, primitias huic operi præbeas, conscribendo historiam cœlestium, in quâ ipsa tantum phænomena, atque unà instrumenta astronomica, eorumque genera et usum; dein hypotheses præcipuas et maximè illustres, tam antiquas quam modernas, atque simul exactas restitutionum calculationes, et alia hujusmodi sincerè proponas, absque omni dogmate et themate. Quod si huic Cœlestium Historiæ Historiam Cometarum adjeceris (de quâ conficiendâ ecce tibi articulos quosdam et quasi topica particularia) magnificum prorsus frontispicium historiæ naturali extruxeris, et optimè de scientiarum instauratione merueris, mihique gratissimum feceris.

Librum meum de progressu scientiarum traducendum commisi. Illa translatio, volente Deo, sub finem æstatis perficietur: eam ad te mittam.

Opera tua, quæ publici juris sunt, inspexi; magnæ certè subtilitatis & diligentiæ in viâ vestrâ. Novatores, quos nominas, Patricium, Telesium, etiam alios, quos prætermittis, legi. Possint esse tales innumeri, veluti etiam antiquis temporibus fuerunt Anaximenes, Anaxagoras, Democritus, Parmenides, et alii (nam Pythagoram ut superstitiosum omitto). Inter istos tam antiquos quam modernos differentiam facultatis agnosco maximam, veritatis perparvam. Summa rei est: Si homines se rebus submittere velint, aliquid confiet; sin minus, ingenia ista redibunt in orbem.

Stabilita jam sit inter nos notitia; meque ut cœpisti, maxime autem veritatem ama. Vale.

Tui amantissimus,

S. ALBANS.[1]

Apud Ædes meas
Londini, Junii ultimo, 1622.

[1] "I have read your letter with pleasure; and since between lovers of truth ardour begets candour, I will return to your ingenuous questions an ingenuous reply.

"I do not propose to give up syllogism altogether. Syllogism is incompetent for the principal things rather than useless for the generality.

"In the Mathematics there is no reason why it should not be employed. It is the flux of matter and the inconstancy of the physical body which requires Induction; that thereby it may be fixed, as it were, and allow the formation of notions well defined.

"Be not troubled about the Metaphysics. When true Physics have been discovered, there will be no Metaphysics. Beyond the true Physics is divinity only.

"In Physics, you wisely note, and therein I agree with you, that after the Notions of the first class and the Axioms concerning them have been by Induction well made out and defined, Syllogism may be applied safely; only it must be restrained from leaping at once to the most general notions; and progress must be made through a fit succession of steps.

"With regard to the multitude of the Instances by which men may be deterred from the attempt; this is my answer,—

"First, what need to dissemble? Either store of Instances must be procured or the business must be given up. All other ways, however enticing, are impassable.

"Secondly (as you yourself also observe), the Prerogatives of Instances, and the mode of experimenting upon experiments of Light (which I shall hereafter explain), will diminish the multitude of them very much.

"Thirdly, what matter, I ask, if the description of the Instances should fill six times as many volumes as Pliny's history? which includes nevertheless a great many things belonging to philology, to fable, to antiquity,—and not to Nature. For the true Natural History is to take in nothing except Instances, Connexions, Observations, and Canons. Think on the other hand of the immense volumes of philosophy, and you will easily see that the most solid things are the most within compass.

"Lastly, from my method of philosophising there will be gathered by the way an abundant crop of useful works; of which speculations and disputations yield few or none.

"A Natural History out of which philosophy may be built is (as you also observe) what I desire before anything else; nor shall I be wanting to the work, so far as in me lies. I wish I may have fit assistants. Nor can anything in this department fall out more happily than that you, being what you are, should contribute the first-fruits of the work, by composing a history of the Heavens, in which only the phenomena themselves, and the different astronomical instruments, with their uses, and then the principal and most celebrated hypotheses, both ancient and modern, and at the same time the exact calculations of the periodic returns, and other things of that kind, shall be set forth plainly and simply, without any doctrine or theory whatever. And if to this history of the Heavens you would add a history of Comets (concerning the composition of which I send herewith certain articles and as it were particular topics), you will have erected a truly magnificent frontispiece for Natural History, and done the greatest service to the Instauration of the Sciences, and a very great favour to myself.

"I am getting a translation made of my book of the *Advancement of Learning*. It will be finished, please God, by the end of this summer; and I will send you a copy.

"I have seen those of your works that are published: works, certainly, of great

5.

About a quarter of a century ago, when all England was frightened from her propriety by the announcement that the Pope was going to "parcel out" the country into Roman Catholic dioceses—that is, to confer on certain persons the title of Bishop and assign to each a district within which he should have a Bishop's authority over the members of his own communion—I do not know whether it was remembered that such a measure had been under consideration as long ago as the summer of 1622; when the Roman Catholics in England were a much more formidable body, and the nearest approach to toleration of a heretical religion which anybody thought justifiable was connivance at the secret practice of it. Bacon heard of it from Toby Matthew on the 4th of August, and immediately forwarded the intelligence to Buckingham in the following letter.

I give the date on the authority of Stephens's catalogue; for in this manuscript no date is now visible. But it seems that it was visible once, or else that there was another copy; for the following description of a letter addressed to Buckingham can hardly have referred to any other. (Date), 4 August 1622. (Beginning), "I thought it appertained." (Subject), An account of a design for sending Popish Bishops for England.

TO THE MARQUIS OF BUCKINGHAM.[1]

My very good Lord,

I thought it appertained to my duty both as a subject and as he that took once the oath of a counsellor, to make known to your Lordship an advertisement which came to me this morning. A gentleman, a dear friend of mine whom your Lordship cannot but imagine though I name him not, told me thus much, That some English priests, that negotiated at Rome to facilitate the

subtlety and diligence in your way. The novellists whom you name, Patricius, Telesius, besides others whom you do not mention, I have read. There may be any number of the kind,—as were also in ancient times Anaximenes, Anaxagoras, Democritus, Parmenides, and others (for I omit Pythagoras, as superstitious). Between these, as well ancient as modern, I observe great difference in point of faculty; in point of truth, very little. The sum of the matter is this—if men will submit themselves to things, something will be done; if not, those wits will come round again in the circle.

"Let our acquaintance be now established. Love me as you have begun, but love Truth most. Farewell.

"Your most loving,
"S. ALBAN."

[1] Gibson Papers, vol. viii. f. 256. Draught in Bacon's hand. Docketed, "My letter to my Lord Marquis touching the business of estate advertised by Mr Matthew." And at the bottom, also in Bacon's hand, "Press. use."

dispensation, did their own business (that was his phrase), for they negotiated with the Pope to erect some titulary Bishops for England, that mought ordain and have other spiritual faculties; saying withal most honestly that he thought himself bound to impart this to some counsellor, both as a loyal subject, and as a Catholic; for that he doubted it mought be a cause to cross the graces and mercies which the Catholics now enjoy, if it be not prevented; and he asked my advice whether he should make it known to your Lordship or to my Lord Keeper when he came back to London. I commended his loyalty and discretion and wished him to address himself to your Lordship, who mought communicate it with my Lord Keeper if you saw cause, and that he repaired to your Lordship presently, which he resolved to do. Nevertheless, I did not think mine own particular duty acquitted except I certified it also myself, borrowing so much of private friendship in a case of state, as not to tell him I would do so much.

It appears that Buckingham did communicate the intelligence to the Lord Keeper, who had a conference with Gondomar about it: the result of which he reports in the postscript to a letter dated August 23, 1622, in these words:—

"The Spanish Ambassador took the alarum very speedily of the titulary Roman Bishop; and before my departure from his house at Islington, whither I went privately to him, did write both to Rome and Spain to prevent it. But I am afraid that Toby will prove but an apocryphal and no canonical intelligencer, acquainting the state with this project for the Jesuits rather than for Jesus's sake."[1]

6.

The *De Augmentis Scientiarum* being now in the hands of the translators or the printers, Bacon had to consider to what part of the *Instauratio* he should next apply himself. He had a wide field for choice. The *Instauratio* was designed in six parts. The first, which was to exhibit the *partitiones scientiarum*, he had already determined to leave to be represented by the enlarged edition of the econd book of the 'Advancement of Learning'—now expanded into the eight last books of the *De Augmentis*. Of the second part, which was to exhibit the art itself of interpretation—the *Novum Organum, sive indicia vera de interpretatione naturæ*—but a small

[1] 'Cabala,' p. 291.

part was completed. He had left off at the end of the second book, with an announcement that he had yet to treat of the "supports and rectifications of Induction," and then of "Concretes," and "Latent Processes," and "Latent Configurations," and the rest, "as set forth in order in the twenty-first aphorism." These were all necessary to complete the description of the new logical machinery by which the meaning of nature was to be deciphered—to shew how defects were to be supplied, and errors rectified; how the mode of enquiry was to be adapted to the nature of the subject; what "natures" were to have precedence in the order of enquiry, and how it was to be ascertained when the enquiry might safely terminate, as having left no "nature" in the universe unchallenged. After which were to come the "application to practice;" the "preparations for investigation;" and the "ascending and descending scale of axioms." All these were still to be supplied. But though he seems to have been satisfied that he himself saw the way through it all,[1] and it was very unlikely that anybody else would ever do it, this was not the task which he undertook next. Important as he conceived the completion of the logical machinery to be, it seemed still more important to set measures on foot for providing the materials upon which it was to work. Without the natural and experimental history the most perfect method of reasoning would be of no use. His avowed motive for publishing the *Novum Organum* in an imperfect shape was to obtain help for this part of the work, and he probably expected that the publication would draw many fellow-labourers to his aid, and leave him comparatively free to pursue that part which was more peculiarly his own. But when none appeared, he thought the best thing he could do was to set the example himself. "I have heard his Lordship speak complainingly," says Rawley, "that his Lordship (who thinketh he deserveth to be an architect in this building) should be forced to be a workman and a labourer, and to dig the clay and burn the brick; and more than that (according to the hard condition of the Israelities at the latter end) to gather the straw and stubble over all the fields to burn the bricks withal." But he knew that except he did it nothing would be done,[2] and he now made a kind of vow that no month should pass without showing one or more portions of this Natural History completed and published.

A more virtuous resolution was probably never registered, nor with a sincerer desire, followed by a more vigorous effort, to fulfil it.

[1] "Tum demum sequetur *Novum Organum*, cui secunda pars adhuc adjicienda est; *quam tamen animo jam complexus et metitus sum*." Epist. ad Fulgentium.

[2] Rawley's 'Address to the Reader' prefixed to the *Sylva Sylvarum*.

Nor perhaps was so virtuous a resolution ever so much to be regretted. For the labour which he bestowed upon these histories, while it absorbed month after month of a literary power and activity which was never in finer order,—appears to have had no effect whatever in advancing the work. It was not possible that any such collections could be made by his own labour complete enough to serve the purpose for which he designed them. They did not even serve the purpose of inciting anybody else to take up the task in the same spirit with the same intention. They retain a high literary value (for the workmanship is excellent throughout and the general reflexions and addresses to the reader are full of weighty thought and passionate eloquence); a considerable historical value, as a record of the condition in which the knowledge of nature then was; and a very great biographical value, as proving that his faith in the principles of his philosophy remained unshaken and his ardour unabated, and that he was pursuing it to the end in the spirit of a man to whose care the secret of the fortunes of humanity had been entrusted: *Res enim humani generis agitur: non nostra.* But I suppose that if they had all perished together and never been heard of, the progress of mankind in the interpretation of nature would have been unaffected by the accident. And when I consider what might have been the fruits of the same time and industry spent on subjects of history, morals, politics, and law, I cannot but feel that the *res humani generis* did in fact lose by his devotion a good deal more than it gained.

7.

Meantime *res nostra* was in worse plight than ever. His ways and means for the prosecution of these studies (which could not repay their own cost) were growing scantier every day. Nothing had come of the reference to Cranfield. He had not been admitted to an interview with the King. His pension was 800*l.* in arrear. And his farm of Petty Writs was sequestered. Not finding any opportunity for *saying* to the King what he wanted to say, he now thought of turning it into a letter. But he had not spoken with him for a year and a half; and he knew by experience that letters on tender subjects during long absences were dangerous, even when relations were not otherwise changed. The letter which he wrote on this occasion is well known. It was printed in the 'Cabala,' in the 'Baconiana,' and in Sir Toby Matthew's collection: it is to be seen in all editions of the collected works: and it is natural to suppose that it was delivered according to the address. This however is not the fact. We have good evidence, though it has been hitherto overlooked, that though written it was never sent. Among the papers at Lambeth there are two manuscripts of it; the rough

draft, and the fair copy: both in Bacon's own hand: and the fair copy has the following indorsement, "A coppy of yor Lopp lre. to ye K. unsent." Though this is written in a hand comparatively modern, the words "your Lordship" shew that it was copied from a docket by one of Bacon's own men: and the fact is confirmed by an entry in Robert Stephens's catalogue, of a letter addressed to the King—without date—beginning with the same words, and described as "complaining of his wants—unsent." If Stephens's catalogue be, as I have always supposed, a copy of one made by Tenison in the winter of 1682, when he first received the papers, we may conclude from this that the letter in question bore this indorsement when it came to his hands.

That Bacon, when he read over what he had written, determined not to send it, is a fact which does not make it the less interesting, but the more. There are no words which express a man's *thoughts* more truly than those which he suppresses when on the point of utterance.

It is here taken from the fair copy; and if it be compared with the "memorial of access" in the beginning of this chapter, it will be seen that it is substantially the same thing.

TO THE KING.[1]

May it please your most excellent Majesty,

In the midst of my misery, which is rather assuaged by remembrance than by hope, my chiefest worldly comfort is to think, That since the time I had the first vote of the Lower House of Parliament for commissioner of the Union until the time that I was this last Parliament chosen by both Houses for their messenger to your Majesty in the petition of religion (which two were my first and last services), I was evermore so happy as to have my poor services graciously accepted by your Majesty, and likewise not to have had any of them miscarry in my hands. Neither of which points I can any ways take to myself; but ascribe the former to your Majesty's goodness, and the latter to your prudent directions; which I was ever careful to have and keep. For as I have often said to your Majesty, I was towards you but as a bucket, and a cistern; to draw forth and conserve; whereas yourself was the fountain. Unto this com-

[1] Tenison Papers, 941, 58; and Gibson Papers, vol. viii. f. 143. Fair copy in Bacon's hand. There is also a rough draught, and the sheets have got mixed; the last sheet of the fair copy being joined to the first sheets of the draught. The fair copy has an indorsement in a comparatively modern hand—the hand of the methodiser—"A coppy of yor Lo^pp lre. to ye K. unsent."

fort of nineteen[1] years' prosperity, there succeeded a comfort even in my greatest adversity, somewhat of the same nature; which is, That in those offences wherewith I was charged, there was not any one that had special relation to your Majesty, or any your particular commandments. For as towards Almighty God, there are offences against the first and second table, and yet all against God; so with the servants of kings there are offences more immediate against the sovereign; although all offences against law are also against the King. Unto which comfort there is added this circumstance, that as my faults were not against your Majesty, otherwise than as all faults are; so my fall was not your Majesty's act, otherwise than as all acts of justice are yours. This I write not to insinuate with your Majesty, but as a most humble appeal to your Majesty's gracious remembrance, how honest and direct you have ever found me in your service; whereby I have an assured belief, that there is in your Majesty's own princely thoughts a great deal of serenity and clearness towards me your Majesty's now prostrate and cast down servant.

Neither (my most gracious sovereign) do I, by this mention of my services, lay claim to your princely grace and bounty, though the privileges of calamity do bear that form of petition. I know well, had they been much more, they had been but my bounden duty. Nay I must also confess, that they were from time to time far above my merit over and super-rewarded by your Majesty's benefits which you heaped upon me. Your Majesty was and is that master to me, that raised and advanced me nine times; thrice in dignity, and six times in office. The places indeed were the painfullest of all your services; but then they had both honour and profits. And the then profits might have maintained my now honour, if I had been wise. Neither was your Majesty's immediate liberality wanting towards me in some gifts, if I may hold them. All this I do most thankfully acknowledge, and do herewith conclude, that for any thing arising from myself to move your eye of pity towards me, there is much more in my present misery than in my past services; save that the same your Majesty's goodness, that may give relief to the one, may give value to the other.

[1] In the rough copy 19 had been written first, but crossed out and 16 written above, apparently by the same hand. 19 expressed the year of the reign. The 16 years of Bacon's prosperity would be from 1605 to 1621.

And indeed, if it may please your Majesty, this theme of my misery is so plentiful, as it need not be coupled with any thing else. I have been somebody by your Majesty's singular and undeserved favour: even the prime officer of your kingdom. Your Majesty's arm hath been often over mine in council, when you presided at the table; so near I was: I have borne your Majesty's image in metal; much more in heart; I was never in sixteen [1] years' service chidden by your Majesty, but contrariwise often over-joyed, when your Majesty would sometimes say, I was a good husband for you, though none for myself: sometimes, that I had a way to deal in business *suavibus modis*, which was the way was most according to your own heart: and other most gracious speeches of affection and trust, which I feed on till this day. But why should I speak of these things which are now vanished? but only the better to express the downfall.

For now it is thus with me: I am a year and a half old in misery: though I must ever acknowledge, not without some mixtures of your Majesty's grace and mercy; for I do not think it possible, that any one that you once loved should be totally miserable. Mine own means, through mine own improvidence, are poor and weak, little better than my father left me. The grants which [2] I have had from your Majesty are either in question, or at courtesy. My dignities remain marks of your favour, but burdens of my present fortune. The poor remnants which I had of my former fortunes in plate or jewels, I have spread upon poor men unto whom I owed, scarce leaving myself bread. So as, to conclude, I must pour out my misery before your Majesty, so far as to say, *Si deseris tu, perimus*.

But as I can offer to your Majesty's compassion little arising from myself to move you, except it be my extreme misery, which I have truly laid open; so looking up to your Majesty yourself, I should think I committed Cain's fault, if I should despair. Your Majesty is a king whose heart is as inscrutable for secret motions of goodness, as for depth of wisdom. You are Creator-like, Factive, and not Destructive. You are the prince in whom I have ever noted an aversation against any thing that savoured of an hard heart; as on the other side, your princely eye was wont to meet with any motion that was made on the relieving part. Therefore as one that hath had the happiness to

[1] 19 in MS. corrected into 16.

[2] Corrected in the fair copy from "The poore things wch."

know your Majesty near hand, I have (most gracious Sovereign) faith enough for a miracle, much more for a grace, that your Majesty will not suffer your poor creature to be utterly defaced, nor blot that name quite out of your book, upon which your sacred hand hath been so oft for new ornaments and additions.

Unto this degree of compassion, I hope God above (of whose mercies towards me, both in my prosperity and my adversity, I have had great testimonies and pledges, though mine own manifold and wretched unthankfulness might have averted them) will dispose your princely heart, already prepared to all piety. And why should I not think, but that thrice noble prince, who would have pulled me out of the fire of a sentence, will help to pull me (if I may use that homely phrase) out of the mire of an abject and sordid condition in my last days? and that excellent favourite of yours (the goodness of whose nature contendeth with the greatness of his fortune; and who counteth it a prize, a second prize, to be a good friend, after that prize which he carrieth to be a good servant) will kiss your hands with joy for any work of piety you shall do for me. And as all commiserable persons (specially such as find their hearts void of all malice) are apt to think that all men pity them, so I assure myself that the Lords of your Council, who out of their own wisdom and nobleness cannot but be sensible of human events, will in this way which I go for the relief of my estate, further and advance your Majesty's goodness towards me. For there is, as I conceive, a kind of fraternity between great men that are and those that have been, being but the several tenses of one verb. Nay, I do further presume, that both houses of parliament will love their justice the better, if it end not in my ruin. For I have been often told by many of my Lords, as it were in the way of excusing the severity of the sentence, that they knew they left me in good hands. And your Majesty knoweth well, I have been all my life long acceptable to those assemblies, not by flattery but by moderation, and by honest expressing of a desire to have all things go fairly and well.

But if it may please your Majesty, for saints I shall give them reverence, but no adoration. My address is to your Majesty, the fountain of goodness. Your Majesty shall by the grace of God not feel that in gift, which I shall extremely feel in help. For my desires are moderate, and my courses measured to a life

orderly and reserved, hoping still to do you honour in my way. Only I most humbly beseech your Majesty to give me leave to conclude with those words which Necessity speaketh: Help me (dear sovereign lord and master) and pity me so far, as I that have borne a bag be not now in my age forced in effect to bear a wallet; nor I that desire to live to study, may not study to live. I most humbly crave pardon of a long letter, after a long silence. God of heaven ever bless, preserve, and prosper your Majesty.

Your Majesty's poor ancient servant and beadsman,

FR. ST. ALBAN.

8.

Feeling towards the King as Bacon felt, it was natural to address him in this strain, if the feeling was reciprocal. But in the meantime how did the King feel now towards him? His bounties, even those which cost no money, had not flowed very freely as yet. Neither the History nor the offer of the Digest of Laws had met with any such response as they invited. It was difficult not to suspect that since the days when Buckingham spoke so confidently of pardons and pensions some change had come over the King's mind. And the thing was only too likely. The same disposition which had led him to take a favourable and compassionate view of Bacon's case while the remembrance of the man and his service was fresh, would lead him now to take impressions from the counsellors by whom he had been since surrounded; especially those through whom he had to act,—Cranfield and Williams; both men on whom he now relied for advice, and both ill-disposed towards Bacon, and incapable of valuing or understanding him. He, it is true, knew him better, and could never have been made to take their coarse and vulgar view of his character and purposes. But he might be deterred from taking active measures in his behalf. Action through unwilling agents was always a difficulty with him. To postpone or put by what was troublesome or disagreeable was his familiar sin; and Buckingham, who could rouse him when he pleased, was himself suffering under the influence of the same counsellors, and his friendship, though formally renewed, had lost its zeal and activity. Upon the whole Bacon may well have doubted whether in appealing to the King's regard and affection, he was not assuming too much, and judged it better manners to make his approach in a more formal and distant way. Having, therefore, a definite complaint to make

and a definite favour to ask, he decided to throw them into the form of a regular petition, which he accordingly drew up; and the draught remaining among his papers will be easily recognized as an amended edition of the letter for which it was substituted.

To THE KING'S MOST EXCELLENT MAJESTY.[1]

The humble Petition of the Lord Verulam, Viscount St. Alban.

That whereas your supplicant, for reward of full sixteen years' service in the painfullest places of your kingdom, (how acceptable or useful, he appealeth to your Majesty's gracious remembrance,) had of your Majesty's grace and bounty two grants, both under the great seal of England, the one a pension of 1200*l.*, the other a farm of the petty writs, about 600*l.* *per annum* in value, which was long since assigned to your supplicant's wife's friends in trust for her maintenance; which two grants are now the substance of your supplicant's and his wife's means, and the remain of your Majesty's former favours, except his dignities, which without means are but burdens to his fortunes:

So it is, (most gracious Sovereign) that both these are now taken from him. The pension stopped, the lease seized. The pension being at this present an arrear of 500*l.* and at Michaelmas 800*l.* is stopped as he conceiveth upon the general stop of pensions; though he hopeth assuredly that your Majesty, that looketh with the gracious eye of a king and not the strict eye of an officer, will behold his case as special, if not singular. The latter was first seized for satisfaction of a private gentleman, your supplicant unheard, and without any shadow of a legal course; since it hath been continued, in respect of a debt to your Majesty for the arrear of rent upon the same farm, amounting to 1500*l.* But whereas your Majesty's farmers debtors for their rents, and other your debtors, have usually favours, sometimes of stallment, sometimes upon equity, if their farms decay; or at least they are called upon; have days given; put in security, or the like; and seizure or sequestration is the last extremity; your supplicant was never so much as sent to, no warning to provide, no days given, but put [out] of possess-

[1] Gibson Papers, vol. viii. f. 240. Draught in Bacon's hand. No indorsement.

sion suddenly by a private and peremptory warrant, without any spark of those favours used to the meanest subjects. So that now your supplicant[1] having left little or no annual [income][2] is in great extremity, having spread the remnants of his former fortunes in jewels and plate and the like upon his poor creditors, scarce leaving bread to himself and his family.

In tender consideration whereof, your supplicant and overthrown servant doth implore your Majesty's grace and goodness felt by so many, known to all, and whereof he cannot live to despair, first, in general, that your Majesty will not suffer him upon whose arm your princely arm hath so often been when you presided in counsel (so near he was), and who hath borne your image in metal but more in his heart, utterly to perish, or which is worse to live in his last days in an abject and sordid condition. Next, in particular, that your Majesty would be graciously pleased to take present order to have the arrear of his pension paid, and likewise that for the future it may be settled, that he be not at courtesy, nor to beg at that door which is like enough to be shut against him. Secondly, that the possession of his wife's lease may be restored unto her; and this bit of arrear to your Majesty, that you will be pleased to remit it, according to your Majesty's gracious and pious promise, when you admitted him to you in the height of his troubles, which was, that you would not meddle with his estate but to mend it. In the restoring the possession, you shall remove your hand of seizure: in the remitting of the rent, you shall extend your hand of grace: and if he be not worthy of so much favour as to have it released, yet that it may be respited for some good time, that he may in the meanwhile make somewhat of that his father left him, and keep himself out of want, in such sort that your supplicant that aspireth but to live to study be not put to study to live. And he, according to his bounden duty, shall not intermit, as ever he hath done, to pray to God for your Majesty's health and happiness.

9.

Upon a comparison of this with the unsent letter, it will appear clearly, I think, that the petition was written last, and the passage

[1] 'Subject' in MS. [2] om, MS.

in which the arrears of the pension are named proves that it was *drawn up* before Michaelmas, 1622. At what time it was *presented* is more doubtful: and there is some reason for thinking that Bacon kept it back till he could get it presented by Buckingham (who in his present temper required careful approaching), and in the mean time applied to his mother to use her influence in his behalf. This I gather from a sheet of private memoranda, set down for the greater privacy in Greek characters, and headed "La. B.," which was found among his papers and had evidently been prepared for an interview with the Countess of Buckingham about this time. The date cannot be fixed exactly; but there are two circumstances by which the uncertainty is brought within bounds. The notes must have been set down while some proposition was on foot for Bacon's benefit, in which the Lord Treasurer had to be dealt with; and also when Buckingham's recent purchase of New-hall was a matter in which Bacon had some interest.

The first leaves a wide margin: for we know that some proposition of the kind was under discussion at the beginning of the year—a proposition which answers the description well enough and in which the Countess's intervention was to be invited. This appears from Meautys's letter of the 3rd of January, 1621–2, (p. 324) where he reports that Sir Edward Sackville and Mr. Packer had concurred in advising that Lady St. Alban (this was when Bacon himself was prohibited from coming within the verge) should "become a suitor to my Lady Buckingham and my Lady Marquess to work my Lord Marquis for obtaining of the King some bounty towards his Lordship, and in particular that of the 1000*l.* a-year for the small writs." We know also by a letter from Williams to Buckingham printed in the 'Cabala,' that as late as the end of August some business of the kind (in which Bacon was in some way interested) was still in hand, and that Buckingham was pressing for the despatch of it. As the Bishop's language is obscure and ambiguous, it will be better to quote the words.

"Yesterday, upon the receipt of your Lordship's letter of the 19th"—he is writing on the 23rd of August, 1622,—"concerning the hastening of the business of the original Writs, I sent presently for Mr. Attorney and Mr. Solicitor, who were altogether unprovided for their parts of the despatch, and are casually forced so to be, because three several officers in whose records they are to search are now out of town, and do not return yet these seven days. But your Lordship shall not fail to have all things concluded three weeks before the term, and I will (of purpose) put off all general sealing till it be effected.

"In the mean time (your Lordship's letter notwithstanding) it will be

nothing for your Lordship's ease to have Sir George Chaworth any way interested in this office of the originals: but I hold it fitter to leave it (as it is in Law and Equity) forfeited for non-payment of rent, in his Majesty's hand; for upon that issue I do not doubt but my Lord of St. Alban's and Sir George will be content to hear reason."[1]

Now it may be remembered that in the beginning of the year 1618 there was some transaction between Bacon and Sir George Chaworth about this farm of the Petty Writs (for I suppose the 'originals' was only another name for them): which ended in an arrangement whereby Bacon retained the Patent and yet Sir George was "contented."[2] What the arrangement was we do not exactly know, but I suppose Bacon undertook to pay over to him a proportion of the profits, so that he had an interest in the patent, though he was not joined in it. When the other sources of Bacon's income suddenly dried up, he could no longer answer these demands; and we learn from the Petition that the patent had been first seized for the satisfaction of a private debt, and afterwards detained as forfeit to the Crown for arrears of rent. Whether Chaworth was the person at whose suit it was seized, I cannot say. But it seems that Williams's object was to get it out of both their hands. And Meautys's warning to Bacon which we shall meet with a little further on,[3]—not to surrender his old patent, till he had the new under seal, "lest my Lord Keeper should take toy and stop it there"—was not without reason.

If therefore the farm of the Petty Writs was the "business" which Bacon was going to speak about, the interview may have taken place almost at any time between January and November. But the mention of New-hall points to a date somewhat more definite. "Marquis Buckingham," says Chamberlain, writing on the 13th of July, 1622, "is gone through with the Earl of Sussex for New-hall, for the sum of 22,000*l.*, who likewise is to resign to him the Lieutenancy of Essex, which lies fitly to his other commands of Buckinghamshire and Middlesex." The purchase was thought to be a great bargain: and I gather that there was something connected with it, though I cannot guess what, that pleaded for Bacon. For on the 11th of September, Meautys, who seems to have been recommended by him for some office—the clerkship of the Council probably, which he afterwards held,—writing doubtfully as to his success,—"for I have yet no more to show for it," says he, "than good words, of which many times I brought your Lordship good store"—adds:—

[1] 'Cabala,' p. 291. [2] Vol. VI. p. 285. [3] See his letter of 25 Nov., p. 397.

"But because *modice fideans* were not made to thrive in Court, I mean to lose no time from assaying my Lord Marquis, for which purpose I am now hovering about New-hall, where his Lordship is expected (but not the King) this day or to-morrow: which place, as your Lordship advises, may not be ill chosen for my business. *For if his Lordship be not very thick of hearing, sure New-hall will be heard to speak for me.*"[1]

What either Bacon or Meautys can have deserved of Buckingham in such a matter I do not pretend to understand. But neither can I understand what other sense the words will bear. Thus much at any rate they prove: that if Bacon was preparing for a conference with Lady Buckingham about the 11th of September, he was likely to have something to say about New-hall. And as we do not *know* that this would be equally true either of an earlier or a later time, it may serve as a reason for assigning the following paper to this date, in the absence of any reason for assigning it to another.

LA. B.[2]

Of York-house garden:
Of New-hall:
Of my being with my L. Treasurer:
Of my business.

It is well begun: I desire it may be your act.

It is nothing out of the king's purse: it lieth fair; a third part of the profit.

The King bestows honour upon reward, one[3] honour upon alms and charity.

Time, I hope, will work this, or a better. I know my Lord will not forsake me.

He can have but one mother. Friends wayfarers, some to Waltham, some to Ware, and where the ways part, farewell.

I have no desire to stage myself, nor pretensions but for the comfort of a private life; yet will I be ever at God's and the King's call: malcontent or busy-body I scorn to be.

Though my Lord shall have no use of me, yet he shall have honour by me.

[1] Gibson Papers, vol. viii. f. 169. Original.
[2] Gibson Papers, vol. viii. f. 273.
[3] So Birch read it, and so I read it after him. But I think it cannot be right.

For envy, the almanack of that year is past.

You may observe last Parliament, though an high-coming Parliament, yet not a petition, not a clamour, not a motion, not a mention of me. Visitations by all the noblemen about the town.

A little will make me happy: the debts I have paid.

I shall honour my Lord with pen, with words; and be ready to give him faithful and free counsel, as ready as when I had the seal; and mine ever *suavibus modis*, for safety as well as for greatness.

The King and the Prince I hear for certain well affected.

To dine with

To go to New-hall.

Towards the end of September the Countess was sent away from the Court in consequence of an open relapse to Popery, and confined to her house at Dalby in Leicestershire,[1] but whatever communication Bacon had had with her seems to have been of some use. For we shall shortly see Buckingham stirring himself with more effect than he has done of late: and the next letter, addressed to her in her banishment, acknowledges Bacon's sense of obligation for what she had done.

TO THE COUNTESS OF BUCKINGHAM.[2]

My very honourable good Lady,

Your Ladyship's late favour and noble usage towards me were such, as I think your absence a great part of my misfortunes. And the more I find my most noble Lord, your son, to increase in favours towards me, the more out of my love to him I wish he had often by him so loving and wise a mother. For if my Lord were never so wise, as wise as Solomon, yet I find that Solomon himself in the end of his proverbs sets down a a whole chapter of advices that his mother taught him. Madam, I can but retain your remembrance with affection and use your

[1] Chamberlain to Carleton, 25 Sept.

[2] Gibson Papers, vol. viii. f. 170. Original draught in Bacon's hand. No fly-leaf. Indorsed "To the Countess of Buck., the Duke's mother."

name with honour and intend you my best service if I be able, ever resting

Your Ladyship's humble
and affectionate servant,
FR. ST. ALBAN.

Bedford-house, this 29th
of Oct. 1622.

10.

Whether the Countess's influence had anything to do with it, I do not know, but Bacon must about this time have had a personal interview with Buckingham himself. And to the effect of that may be probably attributed the revival of an active interest in his affairs, of which the next letter gives us the first intimation—a letter quite in his own style.

The enclosure signed by the King may have been a warrant for the payment of the arrears of pension, and the "other business" which was to be referred to Sir John Suckling may have been the "warrant touching his debts," which follows:—

TO THE LORD ST. ALBAN.[1]

My Lord,

I have despatched the business your Lordship recommended to me, which I send your Lordship, here inclosed, signed by his Majesty, and have likewise moved him for your coming to kiss his hand, which he is pleased you shall do at Whitehall when he returneth next thither. In the meantime I rest

Your Lordship's faithful friend and servant,
G. BUCKINGHAM.

Newmarket, 13 Nov. 1622.

I will give order to my servant to wait upon Sir John Suckling about your other business.

COPY OF THE KING'S WARRANT TOUCHING THE LORD ST. ALBAN'S DEBTS.

James Rex,

We do much commiserate the estate of our right trusty and well-beloved the Lord of St. Alban, having served us in

[1] Harl. MSS. 7000. f. 105. Orig. Own hand. Docketed by Bacon, "My Lord of Buck's. lre. touching my warrant and access."

[2] Add. MSS. 12,496. Fair copy in the hand of one of Bacon's scribes. Docketed in Bacon's hand, "Cop. of the K's war. touch. my debts, and below (I think in Sir Julius Cæsar's hand) "14 Nov. 1622."

so great place, and being one whom, howsoever he offended in judicature, yet in matter of counsel and our commission of treasure we found faithful and very careful and diligent, running courses entire and direct for the good of our service. Being therefore informed from him that he is indebted, and that some of his servants likewise and near friends are engaged for him, of whom he hath no less care than of himself (which mind we commend in him), we do wish the times were such as we might free him at once by our liberality. But the times being as they are, as we have gracious intentions towards him, so in the mean time we have care of his subsisting and honour and quiet. And therefore we do require you and every of you from time to time to treat with such creditors of his as he shall desire to make some reasonable and favourable composition for him and his sureties, letting them know that what favour and ease they shall do him in the composition shall be acceptable to ourselves: for which purpose we shall vouchsafe to take knowledge from you of such as shall be forward to perform our desire. And our will and pleasure is generally that by all good means you bring them to good terms of composition with him; which we shall take at your hands for service done unto ourselves.

Given at our Court of Newmarket this 14th of November, 1622.

To our right trusty and well-beloved the Lo. Keeper of our Great Seal of England, and to the Lo. President of our Council, and to our right trusty and well-beloved Sir John Suckling, Knt., Comptroller of our household, and Sir Julius Cæsar, Mr. of our Rolls.

The next letter, as printed by Birch from the manuscript at Lambeth, was a great puzzle, owing to the date. It was dated the 4th of November, which unless Buckingham's last is misdated, was more than a week earlier than it could have been written. For it contains thanks for the promise of access to the King, which Bacon did not know of before the 13th. Upon more careful examination of the manuscript however it will be found that the letter has been corrected on a subsequent reading, there being in several places marks of alteration in paler ink; and that though the figure 4 is clear and unmistakable, a figure 2 has been written before it, and then blurred: an accident which might easily happen if the paper were put away while the ink was still wet. If so, the true date is the 24th of November, and involves no difficulty.

The " Latin book," was probably the *Historia Ventorum*,—the first monthly instalment of the natural and experimental history which was to serve as a foundation for a true and active philosophy, and the first fruit of Bacon's vow,—which was published about this time.

To the Marquis of Buckingham.[1]

My very good Lord.

I have many things to thank your Lordship for since I had the happiness to see you. That your Lordship before your going out of town, sent my memorial to my Lord Treasurer. That your Lordship offered, and read my petition presented to the King, and procured me a reference. That your Lordship moved his Majesty, and obtained for me access to him against[2] his Majesty comes next, which in mine own opinion is better than if it had been now, and will be a great comfort to me, though I should die the next day after. That your Lordship gave me so good English for my Latin book. My humble request is at this time that because my Lord Treasurer keepeth yet his answer in suspense (though by one he useth to me he speaketh me fair,) that your Lordship would nick it with a word: for if he do me good, I doubt it may not be altogether of his own.

God ever prosper you.

Your Lordship's most bounden
and faithful servant,
Fr. St. Alban.

24th of November, 1622.

11.

The memorial which Buckingham forwarded to the Lord Treasurer has not come down to us. But there is a paper of memoranda for a conversation with him, set down in Greek characters, from which something may be gathered as to the probable subject and

[1] Gibson Papers, vol. viii. f. 171. Rough draught in Bacon's hand. No fly-leaf. Indorsed "To Buckingham."

[2] First written "psented my petition to the K and procured me a reference with gracious signification of the K's favr towards me. That yor Lp had ready in your mynd when Mr. Meautys attended you the poynt of my access and have obtained it for me against," etc. Then altered to "That your L. redd my petition p'sented to the K and procured me a gracious reference," etc.. Finally corrected as in the text.

tenour of it; and which, not having any means of dating it correctly, I introduce here in connexion with the correspondence which followed and which shows the result. The subject which he was going to speak of was evidently the Petty Writ patent; the same which was the subject of Williams's letter to Buckingham of the 23rd of August.[1]

REMEMBRANCE UPON GOING TO THE LORD TREASURER.[2]

My L. Tr.

For past matters, they are immemorial with me. I thank God I am so far from thinking to retrieve a fortune, as I did not mark where the game fell. I ascribe all to Providence. Your L. hath greatness and I hope you will line it with goodness. Of me you can have no use but you may have honour by me in using me well, for my fortune is much in your hands.

For Sir G. I heard by Sir Arthur, you thought well of my dealing to him; for so Ingram told me; but I doubt he reported somewhat amiss of me, that procured that warrant; since which he thinks he may bring me to his own conditions, never comes to me, flies from that he had agreed; so to conclude with the letter[3] upon even terms.

For the King, I must submit. Ingram told me there should be a favour in it, till I might sue to the K.

The sequestration as much as a resumption, for if it be as in the King's hands, all will go back; so it requires a farmer.

My pension and that the rewards of my long service and relief of my present means. In Parliament he said he would not have me know what want meant.

TO THE LORD VISCOUNT ST. ALBAN.[4]

My most honoured Lord,

Since my last to your Lordship I find by Mr. Johnson that either my Lord Treasurer is not twice in one mind, or Sir Arth. Ingram not twice

[1] See above, p. 389.

[2] Gibson Papers, vol. viii. f. 273. Written in Greek characters. Docketed by Bacon, "Remembr. upon my going to Treasurer."

[3] In the MS. there is a slanting line drawn between "letter" and "upon." But whether it was meant for a mark of division, or for the end of a paragraph—the last three words having been inserted afterwards—I cannot say. I suppose the "warrant" may have been for the sequestration of the patent, as mentioned in Bacon's petition. But what the "letter" was we have no means of knowing.

[4] Gibson Papers, vol. viii. f. 269. Docketed by Bacon, "Mewtys lre. this 25 of Nov."

in one tale. For Sir Arthur, contrary to his speech but yesterday with me, puts himself now as it seems in new hopes to prevail with my Lord Treasurer for your Lordship's good and advantage, by a proposition sent by Mr. Johnson for the altering of your patent to a new mould, more safe than the other, which he seemed to dissuade, as I wrote to your Lordship. I like my Lord Treasurer's heart to your Lordship so much every day worse than other (especially for his coarse usage of your Lordship's name in his last speech), as that I cannot imagine he means you any good. And therefore, good my Lord, what directions you shall give herein to Sir Arthur Ingram, let them be as safe ones as you can think upon; and that your Lordship surrender not your old patent, till you have the new under seal, lest my Lord Keeper should take toy, and stop it there. And I know your Lordship cannot forget they have such a savage word amongst them as fleecing. God in heaven bless your Lordship from such hands and tongues, and then things will mend of themselves.

Your Lordship's in all humbleness,
to honour and serve you,
T. Meautys.

This Sunday morning.

To the Marquis of Buckingham.[1]

My very good Lord,

I find my Lord Treasurer, after so many days and appointments, and such certain messages and promises, doth but mean to coax[2] me (it is his own word of old) and to saw me asunder, and to do just nothing upon his Majesty's gracious reference, nobly procured by your Lordship for this poor remnant. My Lord, let it be your own deed; and to use the prayers of the Litany, Good Lord deliver me from this servile dependence; for I had rather beg and starve than be fed[3] at that door.

God ever prosper your Lordship.

Your Lordship's most bounden
and faithful servant,
Fr. St. Alban.

Bedford-house, this

[1] Gibson Papers, f. 262. Draught in Bacon's hand. No fly-leaf. Indorsed "To Buck. about L. Treasurer Cranfield's using of him."

[2] "Coxe," which had been written first, has been crossed out, and "coakes" written above.

[3] "Than begge and be fed" had been written first.

To the Marquis of Buckingham.[1]

My very good Lord,

This extreme winter[2] hath turned with me weakness of body into a state that I cannot call health but rather sickness, and that more dangerous than felt, whereby I am not likely to be able to wait upon your Lordship as I desired, your Lordship being the person of whom I promise myself more almost than of any other; and again to whom, in all loving affection I desire no less to approve myself a true friend and servant.

Most affectionate to do your Lp. service,

Fr. St. Alban.

My desire to your Lordship is to admit this gentleman, my kinsman and approved friend, to relate to you my business, whereby to save further length of letter, or the trouble of your Lordship's writing back.

12.

These, as I have observed before, were only the irritations and interruptions of Bacon's life. His life itself at this time was occupied with his instalments of Natural History. When he made his vow that he would produce one or more of these in each succeeding month (a rash vow if it had not left him free to release himself from it upon any sufficient occasion), he assigned to the first six successive months the following portions—the History of Winds; of Density and Rarity; of Heaviness and Lightness; of Sympathy and Antipathy of things; of Sulphur, Mercury, and Salt; of Life and Death. The History of Winds, together with introductions to the remaining five, was published in November. But on further consideration he determined to change the order, and take the History of Life and Death next. This he did because he thought it would be more immediately useful, by turning the industry of medical men to higher aims than that of curing a few diseases, and pronouncing the rest incurable. But it proved to be a work of much greater length than the first,—about twice as long in fact,—and it seems to have taken about three months to

[1] Gibson Papers, vol. viii. f. 221. Very rough copy in Bacon's hand. No fly-leaf, indorsement, or date.

[2] Chamberlain in a letter to Carleton of 7th December, 1622, notices the severity of the winter as so great that there were 270 or 280 deaths in London weekly. S. P. vol. 134, no. 66.

finish and carry it through the press.[1] "In none of his writings," says Mr. Ellis, "is there more appearance of research:" nor have any of his writings of this kind received such high praise, from a judge so competent, as this has received from Haller, in the passage which Mr. Ellis quotes. I do not know that any step which has been made in medical science can be traced to it—such steps are rarely made in any science except by men who have made the study of it their special occupation; but the spirit and general principles of the investigation probably gave impulse and direction to more students than were aware of it;[2] and at any rate the work sufficiently accounts for the employment of his own time during the winter months of 1622, and gave additional proof of his fitness for the high vocation to which only he now aspired. "That Lord," says Chamberlain, writing on the 10th of February, 1622–3, "busies himself altogether about books, and hath set out two lately, *Historia Ventorum* and *De Vitâ et Morte*, with promise of more. I have not yet seen either of them, because I have not leisure: but if the life of Henry the 8th, which they say he is about, might come out after his own manner, I should find time and means enough to read it."[3]

There seemed at this time to be a glimmer of better fortune. Buckingham, who had become in his correspondence with him much more like his former self, had been as good as his word, and on the 20th of January brought him to kiss the King's hands. Sir Edward Conway, a man favourably disposed towards him, had been made Secretary of State. There had been complaints against Cranfield, and quarrels between him and Williams. Mandeville, who had always been an admirer and a friend, was shortly to be allied to Buckingham by the marriage of his son with a kinswoman of his; and there was a rumour abroad that he would be made Lord Chancellor, and that Bacon would succeed him as President of the Council, and have his debts paid out of the King's coffers.[4] Friendly words from Williams do not count for much, for we have already seen that he could use them when both his feelings and actions were

[1] Among the letters entered in Stephens's catalogue and not found, is one dated 2 Jan. 1622, addressed to Buckingham; beginning "as I do not doubt;" and described as sent "with his book of the prolongation of life."

[2] "Quicquid Cartesius habet, si quod boni habet, hoc unicè isti debet, neque melior autor haberi potuit, licet ejus nomen ab imperitis adeo supprimatur." Boerhaave's *Methodus Stud. Medicin.* I. 56, quoted by Mr. Ellis. Phil. Works, ii. p. 93, note.

[3] S. P. vol. 138, no. 23. On the 10th January preceding, Sir T. Wilson reported to the King that Bacon had applied to him for such papers as he had in his custody relating to Henry the 8th's time. Ib. vol. 137, no. 13.

[4] S.P. Locke to Carleton, 1 Feb. 1622–3. S. P. vol. 138, no. 3.

quite the reverse. But if he was assured that Buckingham's feelings towards Bacon had changed, there was no danger, whatever his own feelings might be, of active opposition from him.

Whether all this boded any real good to Bacon it is difficult to judge. But if it did, his evil fate interfered once more to cross it. An adventure so extraordinary and beyond all reasonable probability that it seemed to him "like a fable of the poets," took Buckingham suddenly out of England and kept him at Madrid for eight months. The last unlucky dispute between the King and the House of Commons upon a point of mere constitutional theory, which had nothing to do with the immediate business of the day, and might certainly have been postponed, as similar quarrels had often been postponed before, to a more convenient season;—a dispute arising out of an incidental remark made by the King, which had no bearing upon the questions under consideration and was not intended as a preface to any action—and one in which neither party would have lost, by putting it by for the present, any advantage in dealing with it at the proper time; while both would have gained in the better chance of attaining the object for which at present both were contending;—this dispute, ending as it did in another dissolution with mutual dissatisfaction, with no provision made for raising an army, and with the utter destruction of all the moral effect upon opinion abroad which had been hoped for from the exhibition of "the good and perfect union between the King and his subjects,"[1] had produced a sudden change in the policy and plans of Spain. Since the Spanish government found that there was no chance of obtaining by means of the marriage with England any considerable advantages for the Catholic Church, they had secretly abandoned the intention of carrying it out, and only kept the treaty on foot as a means of accomplishing their other ends. But such a breach as this between the King and his Parliament opened new prospects. Gondomar believed that it was the end of Parliaments in England. Even Digby felt that our trust must now be in the laurel branch without the sword; for the support of Parliament could not be relied upon for means of war; that if the Palatinate was to be recovered it must be through the co-operation of Spain; and that the co-operation of Spain could only be secured by concluding the marriage. Of this, however, he was in good hope. For it had always been their policy to make England believe that they were sincere in desiring the restoration of the Palatinate, and he thought it impossible that Philip should consent to send his sister with a dowry of 500,000*l.* to a country with which, if he did not mean honestly in that, he

[1] Sir H. Saville, 7 June, 1621.

would certainly be at war in a very short time.[1] That Philip did *not* "mean honestly about the Palatinate" appears to be certain. He meant to hold James in the belief that he would help to obtain it for him, until it were otherwise disposed of; and then to tell him that he could do no more. As early as March, 1622, he had conveyed to the Emperor a secret assurance to that effect. He had informed him that the transfer of the Electorate to Maximilian would not be opposed at Madrid, provided it were so carried that James could be made to believe "that the thing had been done against the wish of the King of Spain."[2] How far he was in earnest at this time about the marriage it is not easy to make out. But the breach between the King and his last Parliament, as it had convinced Digby that Parliament could not be relied upon for effective support in case of war, appears to have inspired Gondomar with a fresh hope of converting England. The Prince, who had not shown much interest as yet in his own marriage, was much grieved for his sister; and Gondomar seems not only to have created in him the same belief which had been so strongly impressed upon Digby, that the restoration of the Palatinate would follow the marriage as a matter of course, but to have persuaded him that a visit to Madrid *incognito*, with only two servants, would expedite the marriage. If he were weak enough to go, it was not likely that he would be strong enough to resist the influences which would then be brought to bear upon him; and if the future King of England could be brought to profess himself a Catholic, the marriage would prove a very profitable investment, It had been settled before Gondomar left England that the visit should be paid, if on his arrival in Spain he found it advisable. On the 27th of September, just after the news of the fall of Heidelberg had reached England, the Prince and Buckingham wrote to remind him of it. In the beginning of December they received from him a private message that he would be glad to see the Prince. In February, 1622-3, they got leave to go. On the 7th of March they arrived at Madrid. And at this time it was that, according to the indiscreet avowal of the Spanish minister Olivarez, the match *began* to be really intended on the part of Spain.[3]

The history of the diplomatic game between the young and old players which followed does not concern me at present except as it concerned Bacon, and it concerned him chiefly as withdrawing from the Court at a critical time the two persons whose influence over the King might have counteracted that of the busiest and most useful of the councillors with whom they left him. For Cranfield,

[1] Gardiner, vol. ii. p. 282. [2] Gardiner, vol. ii. p. 254.
[3] Gardiner, vol. ii. p. 405.

though he rose through the favour of Buckingham, had grown so fast into credit with the King, that (according to Clarendon) he had begun to think he needed his favour no longer, and in his absence "was not only negligent in the issuing out such sums of money as were necessary for the defraying those unlimited expenses . . . but had the courage to dispute his commands and to appeal to the King, whose ear was always inclined to him."[1] And if Cranfield could use his influence with the King to resist Buckingham's demands when they concerned his own business or pleasure, we may easily imagine the fate of those which concerned only Bacon's means of living.

The Prince and Buckingham left England in disguise on the 18th of February, and the letters which follow will tell their story for themselves.

To Sir Edward Conway.[2]

Good Mr. Secretary,

When you visited me, you expressed in so noble a fashion a vif sense of my misfortunes, as I cannot but express myself no less sensible of your good fortunes, and therefore do congratulate with you for your new honour now settled. The excellent Marquis brought me yesterday to kiss the King's hands. So as now methinks I am in the state of grace. Think of me and speak of me as occasion serveth. I shall want no will to deserve it, at least nobleness is never lost. I rest

Your affectionate friend
to do you service,
Fr. St. Alban.

Bed. house, this
21th of Jan., 1622.

To the Marquis of Buckingham.[3]

Excellent Lord,

I perceive this day by Mr. Comptroller[4] that I live continually in your Lordship's remembrance, and noble purposes, concerning my fortunes, as well for the comfort of my estate as for countenancing me otherwise by his Majesty's

[1] Clarendon, book i. p. 62.
[2] S P. Dom. James I. vol. 137, no. 23. Original: own hand
[3] Gibson Papers, vol. viii. f. 173. Copy: corrected in Bacon's hand. No fly-leaf. Indorsed "To the Duke of Buckingham."
[4] Sir John Suckling.

employments and graces, for which I most humbly kiss your hands, leaving the times to your good Lordship; which, considering my age and wants, I assure myself your Lordship will the sooner take into your care. And for my house at Gorhambury, I do infinitely desire your Lordship should have it, and howsoever I may treat, I will conclude with none, till I know your Lordship's further pleasure; ever resting

Your Lordship's most obliged
and faithful servant,
Fr. St. Alban.

Bed. house, this 5th
of Feb., 1622.

It will be seen from this that Lord Macaulay's explanation of the cause of Bacon's poverty after his fall requires correction. "He was not easily persuaded," says he, "to give up any part of the magnificence to which he had been accustomed in the time of his power and prosperity. No pressure of distress could induce him to part with the woods of Gorhambury. 'I will not,' he said, 'be stripped of my feathers.'" Aubrey does no doubt tell us that "when his Lordship was in disfavour, his neighbours, hearing how much he was indebted, came to him with a motion to buy Oakwood of him:" upon which his "Lordship told them 'he would not sell his feathers.'"[1] But he tells it not in illustration of his extravagance, but as a good saying; and it may be quite true, without implying any unreasonable reluctance on Bacon's part to conform to his fortune and seem to be as poor as he was. A gentleman may be in great distress and yet very properly decline to sell his coat and hat. Gorhambury was a beautiful place, fit for a nobleman's dwelling, and had a fancy value. To strip it of its woods would probably have reduced that value by much more than any one would have offered for the timber. We see from the concluding paragraph of this letter that he was now intending to sell the place altogether, and though he never succeeded in finding a purchaser, we have no reason to suppose that he ever refused fair terms. And we have a further proof that he could part with magnificence to relieve himself from distress, in the fact that at this time he removed from Bedford House, where he had been living lately, and retired to his old lodgings in Gray's Inn,—"for quiet, and the better to hold out."[2]

[1] Lives, ii. p. 225.

[2] See below, p. 406.

The first paragraph of the letter from the Lord Keeper which follows relates to a matter of which we shall hear more further on. The privy seal in question was one for a patent which had been stayed by Bacon when he was Chancellor, and was now sent for by the Duke of Lenox, who was interested in it. Bacon did not think it right to give it up to him, but sent it to the Lord Keeper, with an explanation of the circumstances.[1]

The second paragraph was supposed by Birch to refer to the case mentioned in Bacon's letter to the Lord Keeper of the 30th of May, Mr. Cotton being his surety for the debt.

The "book" mentioned in the concluding paragraph was probably the *Historia Vitæ et Mortis*.

To the Lord Viscount St. Alban.[2]

My very good Lord,

I have received by this bearer the privy seal for the survey of coals, which I will lay aside until I shall hear further from my Lord Steward,[3] and the rest of the Lords.

I am ready to do as much as your Lordship desireth in keeping Mr. Cotton off from the violence of those creditors: only himself is as yet wanting in some particular directions.

I heartily thank your Lordship for your book, and all other symbols of your love and affection, which I will endeavour upon all opportunities to deserve: and in the mean time do rest

Your Lordship's assured faithful
poor friend and servant,
Jo. Lincoln, C.S.

Westm^r^-coll.,
this 7th of February, 1622.

To the Marquis of Buckingham.[4]

Excellent Lord,

Though your Lordship's absence[5] fall out in an ill time for myself, yet because I hope in God this noble adventure will make your Lordship a rich return in honour abroad and at home, and chiefly in the inestimable treasure of the love and trust of that thrice-excellent Prince; I confess I am so glad of it, as I could not abstain from your Lordship's trouble in seeing it expressed by these few and hasty lines.

[1] See ch. 10, sec. 9.

[2] Gibson Papers, vol. viii. f. 174. Original. Docketed by Bacon "L. Keep. lre."

[3] Duke of Lenox.

[4] Gibson Papers, vol. viii. f. 175. Original draught in Bacon's hand. No fly-leaf. Indorsed "To the Duke into Spain, 21 Feb. 1622." Probably the first draught of the letter which follows.

[5] In Spain.

I beseech your Lordship of your nobleness vouchsafe to present my most humble duty to his Highness, who I hope ere long will make me leave King Henry the Eighth[1] and set me on work in relation of his Highness's heroical adventures.

I very humbly kiss your Lordship's hands, resting ever

Your Lordship's most obliged friend and servant.

21 February, 1622.

To the Marquis of Buckingham.[2]

Excellent Lord,

Upon the repair of my Lord of Rochford unto your Lordship, whom I have ever known so fast and true a friend and servant unto you and who knows likewise so much of my mind and affection towards your Lordship, I could not but kiss your Lordship's hands, by the duty of these few lines.

My Lord, I hope in God that this your noble adventure will make you a rich return, especially in the inestimable treasure of the love and trust of that thrice-excellent Prince. And although to a man that loves your Lordship so dearly as I do, and knows somewhat of the world, it cannot be but that in my thoughts there should arise many fears or shadows of fears concerning so rare an accident, yet nevertheless I believe well that this your Lordship's absence will rather be a glass unto you to shew you many things whereof you may make use of hereafter, than otherwise any hurt or hazard to your fortunes; which God grant. For myself am but a man desolate till your return, and have taken a course accordingly. Vouchsafe of your nobleness to remember my most humble duty to his Highness, And so God, and his holy angels, guard you both going and coming.

To Sir Francis Cottington.[3]

Good Mr. Secretary,

Though I wrate so lately unto you by my Lord Rochford, yet upon the going of my Lord Vaughan, the Prince's worthy and trusty servant and my approved friend and your so near

[1] Sir T. Wilson had been directed by the King on the 10th of February to supply him with any papers relating to Henry viii. which he might require. S. P. vol. 137, no. 13.

[2] Gibson Papers, vol. viii. f. 176. Copy. No fly-leaf. Indorsed "To Buck. 10 March, 1622."

[3] Gibson Papers, vol. viii. f. 178. Copy. No fly-leaf. Indorsed "To Secretary Sir Francis Cottington, 22 March, 1622."

ally, I could not but put this letter into his hand, commending myself and my fortunes unto you. You know the difference of obliging men in prosperity and men in adversity, as much as the sowing upon a pavement and upon a furrow new made. Myself for quiet and the better to hold out am retired to Gray's Inn: for when my chief friends were gone so far off, it was time for me to go to a cell. God send us a good return of you all.

I ever rest, etc.

My humble service to my Lord Marquis; to whom I having written twice I would not cloy him; my service also to the Count Gondomar, and Lord of Bristow.

13.

At this time an unexpected chance presented itself of obtaining the sort of provision which he stood so much in need of, under conditions peculiarly suitable and becoming, and free from all objection. It may be remembered that on the 26th of July, 1608, when he was meditating on the measures to be taken for the publication and furtherance of the new philosophy, and more particularly for procuring histories of nature as well in her errors and wanderings as under the pressure of the mechanical arts, one of the measures which occurred to him (being then only Solicitor-General, with no prospect of speedy advancement) was the procuring for himself some situation fit for carrying on such a work.

"Laying for a place to command wits and pens. Westminster, Eton, Winchester, . . . Trinity College in Cambridge, St. John's in Cambridge, Maudlin College in Oxford: and bespeaking this betimes with the King, my Lord Archbishop, my Lord Treasurer."[1]

His course of rapid advancement, which began a few years after, and his growing importance as a law officer and councillor, had set this speculation aside. But now that office and income and importance in council were gone, such a situation became again for the same reason a thing to be desired. And strange to say it offered itself just at the right time, and gave the King an opportunity of doing a good thing which (if he had done it) would have been one of the best remembered acts of his life, and best deserving to be remembered with honour.

[1] Vol. IV. p. 66.

"The Provost of Eton," says Chamberlain, writing on the 5th of April, "was cut of the stone this day sennight, and being so weak before, it is doubted he will hardly hold out. Sir William Becher hath a promise to be his successor: which seems strange at first sight that he should be preferred before so many and great pretendants, as (among divers others) the Lord St. Alban's, Sir Robert Naunton, Sir James Fullerton, etc. So that some conclude it was but first come and first served, to avoid the importunity of so many competitors. But withal it shows that the world grows hard here, or that the place is risen in reputation, when it hath such wooers."

And again on the 19th,

"The Provost of Eton outlived nine days, which is counted the fatal time for those that be cut of the stone, but died two days after; when the canvass began afresh, and Sir Robert Naunton laid in hard for it, offering to quit all pensions, promises, and pretensions whatsoever. But the King reserves that and all matters of grace till the Lord of Buckingham's return: yet he hath renewed his promise to Sir William Becher and sent letters to the College not to proceed to any election till they know his further pleasure. But I hear underhand he is like to have a hard condition annexed,—to marry the widow or provide for her and her children."

He adds at the end of his letter that the appointment "seems not to be so assured to Sir William Becher but that there is still some nibbling at it: and Sir Robert Eaton, a Scot, is in as fair possibility as any of the rest, as I have learned very lately."[1]

This was the news of the day, and it suggests a fairer explanation of what follows than the correspondence would have suggested without it. It was a place so well suited to Bacon's qualities and occupation as well as to his needs, that if the King and Buckingham were sincere in their professed desire to furnish him with a suitable provision for a life of study, it is difficult at first to see why they did not make use of this. But it was so new a thing to find a man who had been Lord Chancellor aspiring to be Provost of Eton, that I can easily believe that they never thought of him till he made the application, and that before that time (being a prize so many were in pursuit of) a more forward applicant had obtained a promise. It is well known that those who have good things to give away to whom they please are not always able to please themselves.

To Mr. Secretary Conway.[2]

Good Mr. Secretary,

When you did me the honour and favour to visit me, you did not only in general terms express your love unto me, but as

[1] S. P. vol. cxlii. no. 38. Vol. cxliii, no. 22.
[2] S. P. Dom. James I. vol. cxl. no. 38. Original: own hand.

a real friend asked me whether I had any particular occasion wherein I might make use of you. At that time I had none: now there is one fallen. It is, that Mr. Thomas Murray, Provost of Eton (whom I love very well) is like to die. It were a pretty cell for my fortune. The college and school I do not doubt but I shall make to flourish. His Majesty, when I waited on him, took notice of my wants, and said to me that as he was a King he would have care of me. This is a thing somebody would have, and costs his Majesty nothing. I have written two or three words to his Majesty, which I would pray you to deliver. I have not expressed this particular to his Majesty, but referred it to your relation. My most noble friend the Marquis is now absent. Next to him I could not think of a better address than to yourself, as one likest to put on his affection. I rest

Your Honour's very affectionate friend,

FR. ST. ALBAN.

Gray's Inn, the 25th of March, 1623.

TO THE KING.[1]

It may please your Majesty,

Now that my friend is absent (for so I may call him still, since your Majesty, when I waited on you, told me that fortune made no difference) your Majesty remaineth to me King, and master, and friend, and all. Your beadsman therefore addresseth himself to your Majesty for a cell to retire unto. The particular I have expressed to my very hon. friend, Mr. Secretary Conway. This help (which costs your Majesty nothing) may reserve me to do your Majesty service, without being chargeable unto you: for I will never deny but my desire to serve your Majesty is of the nature of the heart, that will be *ultimum moriens* with me. God preserve your Majesty and send you a good return of your treasure abroad, which passeth all Indian fleets.

Your Majesty's most humble and devoted servant,

FR. ST. ALBAN.

Mart. 25, 1623.

[1] S. P. Dom. James I. vol. cxl. no. 32. Original: own hand.

SECRETARY CONWAY, TO THE LORD VISCOUNT ST. ALBAN.[1]

Right Honourable,

I do so well remember the motives, why I presented you so with my humble service, and particular application of it to your particular use, as I neither forget nor repent the offer. And I must confess a greater quickning could not have been added to my resolution to serve you, than the challenge you lay to my duty, to follow (in his absence) the affection of your most noble and hearty friend the Marquis.

I lost no time to deliver your letter, and to contribute the most advantageous arguments I could. It seems your motion had been more than enough, if a former engagement to Sir William Becher upon the Marquis his score had not opposed it.

I will give you his Majesty's answer, which was; That he could not value you so little, or conceive you would have humbled your desires and your worth so low: That it had been a great deal of ease to him to have had such a scantling of your mind; to which he could never have laid so unequal a measure. His Majesty adding further, that since your intentions moved that way, he would study your accommodation. And it is not out of hope, but that he may give some other contentment to Sir William Becher in due time, to accommodate your Lordship, of whom (to your comfort) it is my duty to tell you, his Majesty declared a good opinion, and princely care and respect.

I will not fail to use time and opportunity to your advantage: and if you can think of any thing to instruct my affection and industry, your Lordship may have the more quick and handsome proof of my sure and real intentions to serve you, being indeed

Your Lordship's affectionate servant,

ED. CONWAY.

Royston, March 27, 1623.

Conway wrote to Buckingham in the same sense and spirit.[2] But nothing could be done.

TO MR. SECRETARY CONWAY.[3]

Good Mr. Secretary,

I am much comforted by your last letter, wherein I find that his Majesty of his great goodness vouchsafeth to have a care of me, a man out of sight and out of use, but yet his; (as the Scripture sayeth, God knows those that are his). In particular, I am very much bounden to his Majesty (and I pray (Sir) thank his Majesty most humbly for it,) that notwithstanding the former

[1] Fortescue Papers. Original.
[2] S. P. Spanish correspondence, 29 March, 1623.
[3] S. P. Dom. James I. vol. cxl. no. 59. Original: own hand.

hominis fortunâ potuisse videaris, quam in negotiis publicis. Deus illustriss. Dominationem tuam incolumem servet et felicitate cumulet.[1]

To the Marquis of Buckingham.[2]

Excellent Lord,

Finding so trusty a messenger as Sir John Epsley, I thought it my duty to put these few lines into his hands. I thank God that those shadows which either mine own melancholy or my extreme love to your Lordship did put into my mind concerning this voyage of the Prince and your Lordship, rather vanish and diminish than otherwise. The gross fear is past of the passage of France. I think you had the ring which they write of, that when the seal was turned to the palm of the hand made men go invisible.

Neither do I hear of any novelty here worth the esteeming.

[1] "There are many things which encourage and incite me at this time to address your illustrious Lordship about my fortunes, and to entreat your help. The first and the chief is, that the strait alliance between our kings which is now understood to be concluded, at once makes you a more powerful intercessor, and relieves me from any scruple I might have felt in being beholden to so great a man, though a foreigner, for my whole fortunes, and accepting them as his gift. The second is, that seeing those favours which your Lordship when you were here had obtained for me so far as promise went, have not as yet been either refused or carried into effect, it seems to be the intention of Providence that this work of raising me out of calamity should be altogether yours both first and last. The third is, that the two stars which have always been propitious to me—the greater and the lesser—are now shining in your world; and may thereby, being reinforced by the auxiliary and benignant rays of your love towards me, gain influence enough to put me in some position not unbefitting my former fortune. Fourthly, I learn from your late letters to my intimate friend Mr. Toby Matthew that your remembrance of me is still lively and fresh, and has not been overlaid or extinguished by that great mass of arduous and high business which your Lordship has to sustain. To which add last, that since by the favour of the excellent Marquis I have been admitted to see and speak with my King, I seem to myself in the state of grace. His Majesty addressed me not as a criminal but as a man overthrown by a tempest; acknowledging at the same time largely, and as it seemed with much feeling, the constant and unfailing course of industry and integrity which I had held in his service; whence I have the better hope that, his favour remaining with me and all envy being extinguished by length of time, the pains your Lordship may take in my behalf will not be in vain. Meanwhile on my own part I have neither given myself up to sloth nor meddled unseasonably with business, but live in such pursuits and handle such matters as may neither misbecome the former honours which I have borne and will perhaps leave to posterity no ungrateful memory of my name. And therefore I hope that I shall be no unworthy material for you to exhibit and make known to the world the force both of your power and your friendship,—proving that you have no less a stroke in the fortunes of a private man than in your public employments. God preserve and prosper your Lordship."

[2] Gibson Papers, vol. viii. f. 182. Copy, with corrections in Bacon's hand. No fly-leaf. Indorsed "To Duke into Spain. March 30, 1623."

There is a general opinion here that your Lordship is like enough to return and go again, before the Prince come: which opinion whether the business lead you to do so or no, doth no hurt; for it keeps men in awe.

I find, I thank God, some glimmering of the King's favour, which your Lordship's noble work of my access no doubt did chiefly cherish. I am much bound to Mr. Secretary Conway. It is wholly for your Lordship's sake, for I had no acquaintance with him in the world. By that I see of him, he is a man fit to serve a great King, and fit to be a friend and servant to your Lordship.[1] Good my Lord, write two or three words to him, both of thanks and a general recommendation of me unto him.

Vouchsafe of your nobleness to present my most humble duty to his Highness. We hear he is fresh in his person, and becomes this brave journey in all things. God provide all things for the best.

I ever rest, etc.

14.

The paper on Usury, which Bacon proposed to send to Conway to be shewn to the King, came into the Record Office along with the rest of the Conway papers, and turns out to be the same (for the most part) which he afterwards printed among his Essays. But the concluding observations, (as having, I suppose, a more special reference to the particular occasion) were omitted; and though Bacon's opinion concerning usury and the regulation of trade have lost their value since the days of Adam Smith and Jeremy Bentham, it is still of importance to know what they were, if we would understand truly what he was himself; and we cannot have better evidence of what they really were than a paper of this kind, for the production of which on such an occcasion no motive can be imagined except a belief that the measure recommended would do good. It will be seen that, censurable as many of his doctrines are according to modern ideas, it is but a short step from one to the other. In answer to the religious objection which lay at the bottom of all the legislation on the subject,—namely, that (in the words of the Act of Edward VI.) "usury is by the word of God utterly prohibited, as a vice most odious and detestable, as in divers places of the Holy Scripture it is evident to be seen"[2]—he is content to oppose the

[1] This sentence is inserted in the margin.

[2] 5 & 6 Ed. VI. c. 20.

manifest fact that trade cannot be carried on without borrowing, and that money cannot be borrowed for nothing; and therefore that usury must be permitted. Having got so far, if he could only have said further that the *rate* of interest (being in fact nothing more than the terms upon which men should be permitted to lend and borrow) was to be settled by the course of the market,—the borrower and the lender each making the best terms he could,—he would have anticipated the doctrine of the 'Defence of Usury.' But this was a step which Bacon was not prepared to take. He, in common with the rest of the world at that time, thought that the course of the market could not be trusted to make just terms without the interference of government; and the object of this little tract is to show in what way government might interfere with advantage.

TO THE R. HON. HIS VERY GOOD FRIEND SIR ED. CONWAY, PRINCIPAL SECRETARY TO HIS MAJESTY.[1]

Good Mr. Secretary,

I send you the little fruit of my leisure which I mentioned in my last. It is not directed to his Ma., else I must have put it into another stile, but is only a brief tractate of that subject. You may be pleased to take some fit time to shew it his M. Wherein withal I most humbly pray his Ma. to remember what Salomon sayeth, That as iron sharpeneth iron, so one man's wit edgeth another. And therefore I that am solitary and hear not things debated may be pardoned if I come anything near the mark. But his M. I hope will bear with my weakness, and accept of my good will. I rest,

Your H's most affectionate friend,

FR. ST. ALBAN.

2 Apr. 1623.

These papers are not so well written as they should, because I am not master of pens as I have been; but if his M. grant my suit, I shall be again more than ever.

This gentleman, the bearer hereof, Mr. Goodrick, hath lived in Spain and hath the language; if (as time serveth) you will be pleased to put a packet into his hands, he is fit for the trust, fit for the journey.

[1] S. P. Dom. James I. vol. cxlii. no. 12. Original: own hand.

USURY AND THE USE THEREOF.[1]

Many have made witty invectives against usury. They say that it is pity that the devil should have God's part, which is the tithe. That the usurer is the greatest Sabbath-breaker,[2] because his plough goeth every Sunday. That the usurer is the drone that Virgil speaks of: *Ignavum fucos pecus a præsepibus arcent.* That the usurer breaketh the first law that was made for mankind, which was *In sudore vultus tui comedes panem tuum:* not *In sudore vultus alieni.* That usurers should have orange-tawny bonnets, because they do Judaize. That it is against nature for money to beget money. And the like. I say this only, that usury is a *Concessum propter duritiem cordis.* For since there must be borrowing and lending (and men are so hard of heart as they will not lend freely) usury must be permitted. Some others have made suspicious and cunning propositions of Banks, Discovery of men's estates, and other inventions: but few have spoken of usury usefully.

It is good to set before us the incommodities and commodities of usury, that the good may be either weighed out or culled out. And withal it is fit to see how we can make a bridge from the present practice to the reformation: lest while we make forth towards that which is better, we meet with that which is worse.

The Discommodities of Usury.

The first discommodity of usury is that it makes fewer merchants. For were it not for this lazy trade of usury, money would not lie still, but would (in great part) be employed upon merchandising, which is the *vena porta* of wealth in a state.

The second is that it makes poor merchants. For as a farmer cannot husband his ground (so well) if he sit at a great rent, so the merchant cannot drive a trade (so well) if he sit at great usury.

The third is incident to the other two, and that is the decay of the King's customs, which ebbs or flows with merchandising.

The fourth is that it brings the treasure of a realm or state

[1] S. P. vol. cxl. no. 60. [2] Spelt Sabaoth.

into few hands. For the usurer being at certainties, and others at incertainties, at the end of the game most of the money will be in the box: and ever a state flourisheth when wealth is more equally spread.

The fifth is that it beats down the price of land. For the employment of money is chiefly either merchandising or purchasing: and usury waylays both.

The sixth is that it doth dull and damp all industries, improvements and new inventions, wherein money would be stirring if it were not for the slug.

The last is that it is the canker and ruin of many particular men's estates, which in process breeds a public poverty.

The Commodities of Usury.

The first is that howsoever usury in some respect hindereth merchandising, yet in some other it advanceth it. For it is certain that the greatest part of trade is driven by young merchants upon borrowing at interest; so as if the usurer either call in or keep back his money, there will ensue (presently) a great stand of trade.

The second is that were it not for this easy borrowing mone, upon usury, men's necessities would draw upon them a more sudden undoing; in that they may be forced to sell their means (be it lands or goods) far under foot: and so whereas usury doth but gnaw upon them, bad markets would swallow them quite up. As for mortgaging or pawning, it will little mend the matter; for either men will not take pawns without use, or if they do, they will look precisely for the forfeiture.

The third and last is that it is a vanity to conceive there would be ordinary borrowing without profit, and it is impossible to conceive the number of inconveniences that will ensue if borrowing be cramped. Therefore to speak of the abolishing of usury is idle. All states have ever had it in one kind or rate or other. So as that opinion must be sent to Utopia.

The Reformation and Reglement of Usury.

It appears by the balance of the commodities and discommodities of usury that two things are to be reconciled: The one, that the teeth of usury are to be grinded that it bite not too much:

The other that there be left open a means to invite monied men to lend the merchants, for the continuing and quickening of trade.

This cannot be done unless you introduce two several rates of usury, a less and a greater. For if you reduce usury to one low rate, it will ease the common borrowers, but the merchant will be to seek for money. And it is to be noted that the trade of merchandise may bear usury at a good rate: other contracts not so.

The Proposition.

The proposition that serves both intentions is shortly, that there be two rates of usury; the one free and general for all, the other under licence, only to certain persons, and in certain places of merchandising.

First therefore let usury in general be reduced to five in the hundred: and let that rate be proclaimed to be free and current, and the King shut himself out to take any penalty for the same.

This will preserve borrowing from any general stop or dryness.

This will ease infinite borrowers in the country.

This will in good part raise the price of land, because land purchased at sixteen years' purchase will yield six in the hundred, whereas this rate of interest yields but five.

This by like reason will encourage and edge industrious and profitable improvements: because many will rather venture in that kind than take five in the hundred, especially having been inured to greater profit.

Secondly, let there be certain persons licensed (as lenders) to take interest at an higher rate, and let it be with these cautions following:—

Let the rate be nine in the hundred. For by that means all borrowers shall have some ease by this reformation, be he merchant or whosoever.

Let it be no bank or common stock, but every man be master of his own money; not that I dislike banks, but they will not be brooked in regard of certain suspicions.

Let the King be answered one part of the nine in the hundred, and the lender have left to him eight. For the

King may very well take a ninth part of the interest, being entitled by law to the whole nine. And eight in the hundred is profit enough to invite the lender. For he whose mind stands to usury will sooner descend from ten to eight, than from certain gains to gains of hazard.

Let these lenders be indefinite in number, but restrained to London and certain special towns of trade: for then they will not be able to colour other men's monies in the country. So as the licence of nine will not suck away the current rate of five. For no man will send[1] his monies far off, nor put them into unknown hands.

To this some objections may be made, which may receive an easy answer.

Ob. 1. That by this the King doth in effect authorise usury.

Resp. This is a Puritan's objection. For it were better to mitigate usury by declaration than to suffer it to rage as it does by connivance.

Ob. 2. That though certain men be licensed yet they will colour the money of many others.

Resp. The better. For the King's profit will be the more. And besides it will salve that inconvenience (which is somewhat harsh) of the discovery of men's estates. For it will not be known of the money lent how much is the lender's proper, and how much by facturage.

Ob. 3. That the King's account concerning his part will be hard to take.

Resp. Let there not be too much preciseness in this at the first: but let the account be made in general of the sums, without naming persons. But let it be upon oath of the accomptant; for it needs not much be feared that the accomptants (being men of value) will expose themselves (at once) to the loss of the interest, to the loss of their licence, to perjury, and to contempt.

Ob. 4. That many do at this present lend for eight in the hundred, and this course would raise the rate to nine. And that the very gain of merchandising doth scarce bear eight in the hundred.

Resp. This objection hath no substance. For it is but a handful of lenders that lend at eight. And for the gain of merchants, that it should not bear eight in the hundred,

[1] Sic.

'tis either a whining where there is no cause, or else a mistaking. For it is not to be understood as if merchants did drive their whole trade upon borrowing at ten in the hundred. For all of them in effect have some stock of their own, and the borrowing at interest is but supplemental at times.

The bridge or passage from the Practice to the Reformation.

This course propounded is so moderate and safe, that it is rather upon a way than upon a bridge. For the great fear, which is the sudden stand of trade by withdrawing the monied men's purse (which is the pool that fills the rivers) is holpen by the licence. Only this would be added, That the King, by his proclamation or ordinance published, do warrant and require the Chancery and other Courts of Equity to give such remedy as to conscience appertains, where the usurer by occasion of this reformation doth call in his money too suddenly: and to give the debtors favourable and convenient day, paying the new rates and upon reasonable security.

The Conclusion.

By this proposition the violence of usury will be assuaged; monies will by degrees find the way to other imployments; there will be no fear of the stand of trade for the present; and the King shall reap some profit, but accompanied both with a remission of penalty and with the honour of a Reformation.

Another proposal for legislation concerning a different form of usury was found among Bacon's papers, of the occasion or date of which nothing is known, and which therefore may be most conveniently introduced here. It was first printed, I believe, in Blackbourne's edition of Bacon's works, from which I take it; being the only authority I know of.

A DRAUGHT OF AN ACT AGAINST AN USURIOUS SHIFT OF GAIN IN DELIVERING OF COMMODITIES INSTEAD OF MONEY, made by the Lord Chancellor Bacon, found amongst his Lordship's papers by Dr. Rawley, and recommended by him to be published.[1]

Whereas it is an usual practice, to the undoing and over-

[1] Blackbourne's edition of Bacon's works (1730), vol. iv. p. 145.

throwing many young gentlemen and others, that when men are in necessity, and desire to borrow money, they are answered, that money cannot be had, but that they may have commodities sold unto them upon credit, whereof they may make money as they can: in which course it ever comes to pass, not only that such commodities are bought at extreme high rates, and sold again far under foot to a double loss; but also that the party which is to borrow is wrapt in bonds and counter-bonds; so that upon a little money which he receiveth, he is subject to penalties and suits of great value.

Be it therefore enacted, by the authority of this present parliament, that if any man, after forty days, from the end of this present session of parliament to be accounted, shall sell in gross sale any quantity of wares or commodities unto such a one as is no retailer, chapman, or known broker of the same commodities, and knowing that it is bought to be sold again, to help and furnish any person that tradeth not in the same commodity with money, he shall be without all remedy by law, custom, or decree, or otherwise, to recover or demand any satisfaction for the said wares or commodities, what assurance soever he shall have by bond, surety, pawn or promise of the party, or any other in his behalf. And that all bonds and assurances whatsoever made for that purpose directly or indirectly, shall be utterly void.

And be it further enacted, by the authority aforesaid, that every person, which shall after the time aforesaid be used or employed as a broker, mean or procurer, for the taking up of such commodities, shall forfeit for every such offence the sum of one hundred pounds, the same to be, etc., and shall be farther punished by six months' imprisonment, without bail or mainprise, and by the pillory.

15.

Towards the end of April, Toby Matthew went to join the party at Madrid; and being in good favour with Buckingham, intimate both with Digby and Gondomar, and the more acceptable to the Spanish Court because he was a Roman Catholic, became for Bacon a valuable channel of communication.

The correspondence which follows will explain itself.

To the R. Hon. his very good friend Sir Ed. Conway, principal secretary to his Majesty.[1]

Good Mr. Secretary, I received right now an advertisement from a friend of mine who is like to know it that Mr. Murray is very ill and that[2] (so are the words of his letter) not only his days but his hours are numbered. You have put my business[3] into a good way, and (to tell you true) my heart is much upon this place, as fit for me, and where I may do good. Therefore Sir I pray you have a special eye to it, and I shall ever acknowledge it to you in the best fashion that I can; resting

Your very affectionate friend,

Fr. St. Alban.

Graies Inn,
7 Apr. 1623.

To Sir Dudley Carleton.[4]

My Lord Ambassador,

This gentleman Mr. Jocelyn served me when I kept the seal. I found him honest and orderly. He desireth to be favoured in a Coronell's company, and hopeth to obtain it by your good mean and your endeavour by my recommendation, which I would be very glad he should, and most heartily pray you to be his help for my sake, ever resting

Your Lordship's very affectionate friend,

Fr. St. Alban.

Gray's Inn, this
15 of Ap. 1623.

To Count Gondomar.[5]

Illustrissime Comes,

Primo loco, ut debeo, gratulor Dom. tuæ ill^mæ novum honoris tui gradum, per se sublimem sed ex causâ propter quam evectus es haud parum nobilitatum. Profectio Dom. Tobiæ Matthæi, qui mihi est tanquam alter ego, ut Dom. tua ill. optimè

[1] S. P. Dom. James I. vol. cxlii. no. 40.
[2] In the original the parenthesis begins at "and;" evidently by mistake.
[3] The suit for the Provostship of Eton.
[4] State Papers. Holland correspondence. (Communicated to me by Mr. S. R. Gardiner.)
[5] Gibson Papers, vol. viii. f. 184 (c). Rough draught in Bacon's hand. No fly-leaf. Indorsed "L^d St. Alb. to Gondomar, sent by Mr. Matthew."

novit, in illas partes, memoriam mihi renovat eximii tui erga me favoris, cum me pluries paulo ante discessum tuum in campis, in urbe, visitares, et prolixè de voluntate tuâ erga fortunas meas pollicereris; quinetiam tam apud Regem meum quam apud Marchionem de illis sedulo ageres, ut etiam promissum ab illis de postulatis meis obtinueris. Quod si illo tempore quis mihi genius aut vates in aurem insusurrasset et dixisset, Mitte ista in præsens: Britannia est regio paulo frigidior: differ rem donec Princeps Galliæ et Marchio Buckinghamiæ et Comes de Gondomar conveniant in Hispaniâ, ubi hujusmodi fructus clementius maturescunt: quin et aderit idem Dom. Tob. Matthæus, qui illic quemadmodum nunc instabit et negotium promovebit; scilicet risissem, sed fidem prorsus non adhibuissem. Quare, illustrissime Comes, cum talia miracula edideris in fortunâ publicâ, etiam in fortunâ amici et servi tui privatâ, eniteat virtus tua. Miraculum enim potentiæ et fidei proles est. Tu potentiam habes, ego fide abundo; si modo digna sit res, ad quam Dom. tua ill. manum salutarem porrigat. Id tempus optimè demonstrabit.

Cum nuper ad Dom. tuam ill. scripserim, eo brevior fio. Hoc tantum a te peto, ut etiam inter tanta negotia quæ feliciter administras, consuetam digneris Dom. Matthæo libertatem proponendi et consulendi apud te ea quæ in rem meam fore videbuntur.

Deus ill. tuam Dom. servet incolumem, ut enixè optat, etc.

Among the Lambeth papers there is placed beside this letter a rough draft of it in English. Most of it is in the hand of an amanuensis, written no doubt to dictation. But the corrections and the last five lines are in Bacon's own hand.[1]

Excellent Count,

I do first, as I ought, congratulate with you your new honour:[2] which though great in itself, it is much greater because it was given you upon so noble a ground. The repair of Mr. Matthews, my true friend, as your Lordship well knoweth, into those parts makes me call to mind those great and singular favours which upon your noble visits both in field and town by his means and appointment

[1] Gibson Papers, vol. viii. f. 184 (a).
[2] Gondomar had just been admitted into the Council of State.

your Lordship vouchsafed me a little before your departure, and the great endeavours which your Lordship used both with the King and the Marquis for my fortunes. At that time if one had whispered me in the ear, and said stay these things: England is a cold country: defer them till the Prince of Wales and the Marquis of Buckingham and the Count Gondomar meet in Spain, where fruits ripen faster: I should have smiled at it. But since your Lordship hath had power to work these miracles in a public fortune, it is a much less matter for you to work a miracle in the fortune of a private friend; and since your Lordship hath power and I have faith, a miracle is soon wrought, if your Lordship think it worth the stretching forth your noble hand. Having written so lately to your Lordship, I shorten this letter; only desiring your Lordship to give Mr. Matthews the same freedom to propound or advise with your Lordship concerning my business as heretofore you have vouchsafed, and resting —

To the Marquis of Buckingham.[1]

Excellent Lord,

Though I have troubled your Lordship with many letters, oftener than I think I should (save that affection keepeth no account), yet upon the repair of Mr. Matthew, a gentleman so much your Lordship's servant, and to me another myself, as your Lordship best knoweth, you would not have thought me a man alive, except I had put a letter into his hand, and withal by so faithful and approved a mean commended my fortunes afresh unto your Lordship.

My Lord, to speak my heart to your Lordship, I never felt my misfortunes so much as now, not for that part which may concern myself, who profit (I thank God for it) both in patience, and in settling mine own courses. But when I look abroad, and see the times so stirring, and so much dissimulation, falsehood, baseness and envy in the world, and so many idle clocks going in men's heads; then it grieveth me much, that I am not sometimes at your Lordship's elbow, that I mought give you some of the fruits of the careful advice, modest liberty, and true

[1] Tanner MSS. 73, (2) f. 313. Original. Docketed, 'a copy of a letter to my Lord of Buckingham, by Mr. Matthew.'

information of a friend that loveth your Lordship as I do.[1] For though your Lordship's fortunes be above the thunder and storms of inferior regions, yet nevertheless to hear the wind and not to feel it will make one sleep the better.

My good Lord, somewhat I have been, and much have I read; so that few things which concern states or greatness, are new cases unto me. And therefore I hope I may be no unprofitable servant to your Lordship. I remember the King was wont to make a character of me, far above my worth, that I was not made for small matters; and your Lordship would sometimes bring me from his Majesty that Latin sentence, *De minimis non curat lex*: and it hath so fallen out, that since my retiring, times have been fuller of great matters than before; wherein perhaps, if I had continued near his Majesty, he mought have found more use of my service, if my gift lay that way. But that is but a vain imagination of mine. True it is, that as I do not aspire to use my talent in the King's great affairs; yet for that which may concern your Lordship, and your fortune, no man living shall give you a better account of faith, industry, and affection, than I shall. I must conclude with that which gave me occasion of this letter, which is Mr. Matthew's employment to your Lordship in those parts. Wherein I am verily persuaded your Lordship shall find him a wise and able gentleman, and one that will bend his knowledge of the world (which is great) to serve his Majesty, and the Prince, and in especial your Lordship. So I rest

Your Lordship's most obliged
and faithful servant,
FR. ST. ALBAN.

Gray's Inn, this
18 of Ap. 1623.

L. ST. ALBAN TO THE EARL OF BRISTOW INTO SPAIN.[2]

My very good Lord,

Though I have writ to your Lordship lately, yet I could not omit to put a letter into so good a hand as Mr. Matthew's, being one that hath often made me know how much I am be-

[1] In the first draught (Gib. Pap. vol. viii. f. 184 b) he had written "that never cooled or shuffled towards you."

[2] Gibson Papers, vol. viii. f. 184 (c). Copy or draught written to dictation: corrected in Bacon's hand.

holding to your Lordship and knoweth likewise in what estimation I have ever had your Lordship, not according to your fortunes, but according to your inward value. Therefore, not to hold your Lordship in this time of so great business, and where I have so good a mean as Mr. Matthew, who if there be any thing that concerns my fortune can better express it than myself, I humbly commend myself and my service to your Lordship, resting, etc.

L. St. Alban to Sir Francis Cottington into Spain.[1]

Good Mr. Secretary,

Though I think I have cloyed you with letters, yet had I written a thousand before, I must add one more by the hands of Mr. Matthew, being as true a friend as any you or I have, and one that made me so happy as to have the assurance of our friendship, which, if there be anything stirring for my good I pray practise in so good a conjunction as his. I ever rest, etc.

To Mr. Tobie Matthew.[2]

Good Mr. Matthew,

Because Mr. Clarke is the first that hath been sent since your departure, who gave also the comfortable news that he met you well, I could not but visit you with my letters, who have so often visited me with your kind conferences.

My health, I thank God, is better than when you left me, and to my thinking better than before my last sickness. This is all I need to write of myself to such a friend. We hope well, and it is generally rather spoken than believed, that his Highness will return very speedily. But they be not the best pieces in painting, that are dashed over in haste. I hope that if any thing want in the speed of time it will be compensed in the fruit of time, that all may sort to the best. I have written a few words of duty and respect only to my Lord Marquis,[3] and Mr. Secre-

[1] Gibson Papers, vol. viii. f. 184 (e). Rough draught in Bacon's hand.

[2] Gibson Papers, vol. viii. f. 185. Rough draught in Bacon's hand, with corrections in a secretary's. No fly-leaf. Indorsed "To Mr. Matthew into Spain."

[3] In Stephens's catalogue there is an entry of a letter from Bacon to Buckingham sent into Spain, "congratulating his good success," dated 2nd May, 1623, and beginning "The very face of Mr. Clarke"; and another dated 10th May, 1622 (which should be 1623), "To Sec. Cottington into Spain," beginning "In the small time," and described as "Begging his good offices."

tary. I pray you kiss the Count of Gondomar's hands on my part. God keep you.

Your most affectionate and assured friend,

FR. ST. ALBAN.

2 May, 1623.

TO THE DUKE OF BUCKINGHAM.[1]

Excellent Lord,

I write only to congratulate with your Grace your new honour,[2] which because I reckon to be no great matter to your fortune (though you are the first English Duke that hath been created since I was born), my compliment shall be the shorter. So having turned almost my hopes of your Grace's return by July into wishes, and not to them neither if it should be any hazard to your health, I rest, etc.

Vouchsafe, of your nobleness, to present my most humble duty to his Highness. Summer is a thirsty time, and sure I am, I shall infinitely thirst to see his Highness and your Grace returned.

DUKE OF BUCKINGHAM TO THE LORD VISCOUNT ST. ALBAN.[3]

My good Lord,

I have received your hearty congratulation for the great honour and gracious favour which his Majesty hath done me and I do well believe that no man is more glad of it than yourself.

Tobie Matthew is here, but what with the journey and what with the affliction he endures to find (as he says) that reason prevails nothing with these people, he is grown extreme lean and looks as sharp as an eyass, only he comforts himself with a conceit, that he is now gotten on the other side of the line where the same reason that is valuable in other parts of the world is of no validity here, but rather something else which yet he hath not found out.

I have let his Highness see the good expressions of your Lordship's care and faithful affection to his person and shall ever be ready to do you in all things the best service that I can. So wishing your Lordship much happiness, I rest

Your Lordship's faithful friend and humble servant,

G. BUCKINGHAM.

Madrid, this 29th of May, 1623, st. vet.

[1] Gibson Papers, vol. viii. f. 250. Very rough copy in Bacon's hand. No fly-leaf. Indorsed "To the Duke to congratulate his honour."

[2] The title of Duke, conferred on him May 18th, 1623.

[3] Gibson Papers, vol. viii. f. 186. Original. Docketed by Bacon "D. of Buc. Madr. 29 May, 1623."

To the Duke of Buckingham into Spain.[1]

Excellent Lord,

I humbly thank your Grace for your letter of the 29th of May, and that your Grace doth believe that no man is gladder of the increase of your honour and fortune than I am, as on the other part no man should be more sorry if it should in the least degree decline, nor more careful if it should so much as labour. But of the first I speak as of a thing that is. But for the two latter, it is but a case put which I hope I shall never see. And, to be plain with your Grace, I am not a little comforted to observe, that although in common sense and experience a man would have doubted that some things mought have sorted to your prejudice, yet in particulars we find nothing of it. For a man mought reasonably have feared that absence and discontinuance might have lessened his Majesty's favour: no such thing hath followed. So likewise, that any that mought not wish you well should have been bolder with you. But all is contained in good compass. Again who mought not have feared, that your Grace being there to manage in great part the most important business of Europe, and so far off from the King, and not strengthened much with advice there, except the excellent Prince himself, might not with so politic a state as Spain, be able to go through as you do?[2] and yet nothing we hear but to your honour, and that you do your part. Surely (my Lord) though your virtues be great yet these things could not be, but that the blessing of God which is over the King and the Prince doth likewise descend upon you as a faithful servant, and you are the more to be thankful to God for it.

I humbly thank your Grace that you make me live in his Highness's remembrance, whom I shall ever bear a heart to honour and serve. And I much joy to hear of the great and fair reputation which at all hands is given him.

For Mr. Matthew, I hope by this time he hath gathered up his crumbs, which importeth much, I assure your Grace, if his cure must be either by finding better reason on that side the line,

[1] Gibson Papers, vol. viii. f. 214. Very rough draught in Bacon's hand. Docketed "L. St. Alb. to the D. of Buc. into Spayne."

[2] I think this is the way in which the sentence was intended to stand. But it has been much corrected and re-corrected, and one or two words which were intended to be struck out are left.

or by discovering what is the motion that moveth the wheels there, if reason do not. So we must all pray for his being in good point. But in truth, my Lord, I am glad he is there; for I know his virtues, and particularly his devotion to your Lordship.

God return his Highness and your Grace unto us safe and sound, and according to your heart's desires.

To MR. TOBIE MATTHEW.[1]

Good Mr. Matthew,

I have received your letter of the 10th of June,[2] and am exceeding glad to hear you are in so good health. For that which may concern myself, I neither doubt of your judgment in choosing the fittest time, nor of your affection in taking the first time you shall find fit. For the public business, I will not turn my hopes into wishes yet, since you write as you do; and I am very glad you are there, and, as I guess, you went in good time to his Lordship his help. Commend my service to the Count of Gondomar.

For your action of the case,[3] it will fall to the ground; for I have not heard from the Duke neither by letter nor message at this time. God keep you. I rest always

Your most affectionate and faithful friend,

FR. ST. ALBAN.

Gray's Inn,
17th of June, 1623.

I do hear from Sir Robert Carr and others how much beholden I am to you.

To MR. TOBIE MATTHEW.[4]

Good Mr. Matthew,

I thank you for your letter of the 26th of June,[5] and commend myself unto your friendship, knowing your word is good assurance, and thinking I cannot wish myself a better wish than that your power may grow to your will.

[1] Gibson Papers, vol. viii. f. 187. Copy. No fly-leaf. Indorsed "To Mr. Matthew."

[2] New style, probably.

[3] Probably the suit for the Provostship of Eton.

[4] Gibson Papers, vol. viii. f. 232. Rough copy in Bacon's hand. No fly-leaf. Indorsed "To Mr. Matthew into Spain, 26 June."

[5] Matthew probably used the new style, which would leave 10 days between his 26th and Bacon's; time enough for the journey, as we see that the Duke's letter of 29 May was in answer to one which cannot have been written earlier than the 18th.

Since you say the Prince hath not forgot his commandment touching my History of Henry 8th, I may not forget my duty. But I find Sir Robert Cotton, who poured forth what he had in my other work, somewhat dainty of his materials in this.

It is true my labours are now most set to have those works which I had formerly published, as that of Advancement of Learning, that of Henry 7th, that of the Essays being retractate and made more perfect, well translated into Latin by the help of some good pens which forsake me not. For these modern languages will at one time or other play the bank-rowtes with books: and since I have lost much time with this age, I would be glad as God shall give me leave to recover it with posterity.

For the essay of friendship, while I took your speech of it for a cursory request I took my promise for a compliment. But since you call for it I shall perform it.

I am much beholding to Mr. Gage for many expressions of his love to me, and his company, in itself very acceptable, is the more pleasing to me because it reviveth the memory of yourself.

This letter of yours of the 26th, lay not so long by you, but it hath been as speedily answered by me. So as with Sir Francis Cottington I have had no speech since the receipt of it. Your former letters, which I received from Mr. Griesley, I had answered before, and put my letter into a good hand.

For the great business, God conduct it well; mine own fortune hath taught me expectation. God keep you.

To Mr. Tobie Matthew.[1]

Good Mr. Matthew,

I have received your letter sent by my Lord of Andover, and as I acknowledge your care, so I cannot fit it with any thing that I can think on for myself; for since Gondomar who was my voluntary friend is in no credit, neither with the Prince nor with the Duke, I do not see what may be done for me there, except that which Gondomar hath lost you have found;

[1] Gibson Papers, vol. viii. f. 188. Copy. Addressed in Bacon's hand. "L. St. Alban to Mr. Matthew into Spayn."

and then I am sure my case is amended: so as with a great deal of confidence I commend myself to you, hoping that you will do what in you lieth to prepare the Prince and Duke to think of me upon their return. And if you have any relation to the Infanta, I doubt not but it shall be also to my use. God keep you.

Your most affectionate and assured friend.

16.

The last news with regard to the match was that all would be shortly concluded. On the 16th of July the Lords of the Council had been sent for to Theobalds to be made acquainted with the articles—"where it is said," writes Chamberlain, "there was some sticking upon points of religion, specially by the Scottish Lords; but it was answered that it was not now to be disputed what was of convenience but what was of necessity; the Prince being in their hand, and the King's children despoiled of their patrimony; which was not to be recovered but by this means or by a bloody and uncertain war, and setting all Christendom together by the ears." On Sunday (20 July) we learn from the same authority that "the King took his oath to observe all the articles agreed upon; which were read by Secretary Calvert in Latin, and lasted almost an hour." Also that "all the Council, to the number of twenty-nine, I hear, were sworn to see all those articles performed to the best of their power," and that "the same afternoon arrived the Lord Andover out of Spain, with news that all was in good forwardness there, that the match was to be published and she proclaimed Princess of Great Britain on their St. James's day, and the contract solemnised and effected upon ours with great applause and rejoicing."

Such was appearance of the business as known to those who were not behind the scenes (and Bacon had no means of knowing more, unless he heard it from Matthew) when the next letter was written.

To the Duke of Buckingham.[1]

Excellent Lord,

Though I have formerly given your Grace thanks for your last letter, yet being much refreshed to hear things go so well, whereby we hope to see you here shortly, your errand done, and the Prince within the vail; I could not contain but con-

[1] Gibson Papers, vol. viii. f. 189. Copy. Docketed by Bacon, "L. St. Alban to the L. Buc. into Spayne."

gratulate with your Lordship, seeing good fortune (that is God's blessing) doth still follow you. I hope I have still place in your love and favour; which if I have, for other place it shall not trouble me. I ever rest

Your Grace's most obliged and faithful servant.

July 22, 1623.

To Mr. Tobie Matthew.[1]

Good Mr. Matthew,

I have gotten a little health (I praise God for it). I have therefore now written to his Grace that I formerly upon Mr. Clarke's despatch desired you to excuse me for not writing, and taken knowledge that I have understood from you I live in his Grace's remembrance, and that I shall be his first man that he will have care of upon his return. And although your absence be to me as uncomfortable to my mind as God may make it helpful to my fortunes, yet it is somewhat supplied by the love, freedom, and often visitations of Mr. Gage; so as when I have him I think I want you not altogether. God keep you.

Your most affectionate
and much obliged friend, etc.

To the Duke of Buckingham.[2]

Excellent Lord,

Upon Mr. Clerke's dispatch, in troth I was ill in health, as he mought partly perceive. Therefore I wrate to my true friend and your Grace's devoted servant Mr. Matthew to excuse myself to your Grace for not writing. Since, I thank God, I am prettily recovered; for I have lain at two wards, the one against my disease, the other against my physicians, who are strange creatures.

I do understand from Mr. Matthew (which rejoiceth me much) that I live in your Grace's remembrance, and that I shall be the first man that you will have care of at your return, for which I

[1] Gibson Papers, vol. viii. f. 191. Copy.

[2] Gibson Papers, vol. viii. f. 191, *verso*. A transcript with additional corrections of f. 190, which is a fair copy in Bacon's own hand. I suppose he had rewritten the letter, altering the expression here and there, as a man does, and the transcript was corrected accordingly.

most humbly kiss your hands, and hope that God Almighty, who hath hitherto blest your Grace extraordinarily in this rocky business, will bless you the rather for this good intention.[1] For I have found much of his divine favour towards me both in sickness and in health, prosperity and adversity.

Vouchsafe of your nobleness to present my most humble duty to his Highness. Though he stay late, it will be morning whenever he cometh.[2] I ever rest

Your Grace's most obliged
and faithful servant,
FR. ST. ALBAN.

Gray's Inn,
August 29, 1623.

TO THE DUKE OF BUCKINGHAM, LORD HIGH ADMIRAL OF ENGLAND.[3]

Excellent Lord,

How much I rejoice in your Grace's safe return, you will easily believe, knowing how well I love you, and how much I need you. There be many things in this journey both in the felicity and in the carriage thereof, that I do not a little admire, and wish your Grace may reap more and more fruits in continuance answerable to the beginnings. Myself have ridden at anchor all your Grace's absence, and my cables are now quite worn. I had from Sir Tob. Matthew[4] out of Spain, a very comfortable message, that your Grace had said, I should be the first that you would remember in any great favour after your return; and now coming from Court, he telleth me he had commission from your Lordship to confirm it: for which I humbly kiss your hands.

My Lord, do some good work upon me, that I may end my days in comfort, which nevertheless cannot be complete except

[1] First written "which if your Grace perform I hope God Almighty, who hath hitherto extraordinarily blest you on this rocky business, will bless you the more for my sake. For I have had extraordinary tokens of his divine favour," etc.

[2] First written "Vouchsafe to present my most humble duty to his Highness whose happy arrival will be a bright morning to all."

[3] Fortescue Papers. Original: own hand.

[4] "Toby Matthew was knighted at Royston not long since; but for what service God knows." Chamberlain to Carleton, 25 Oct. 1623.

you put me in some way to do your noble self service; for I must ever rest

Your Grace's most obliged
and faithful servant,
FR. ST. ALBAN.

I have written to his Highness, and had presented my duty to his Highness, to kiss his hands at York-house, but that my health is yet scarce confirmed.

xii Oct. 1623.

TO THE LORD ST. ALBAN.[1]

My Lord,

The assurance of your love makes me easily believe your joy at my return; and if I may be so happy, as by the credit of my place to supply the decay of your cables, I shall account it one of the special fruits thereof. What Sir Toby Matthew hath delivered on my behalf, I will be ready to make good, and omit no opportunity that may serve for the endeavours of

Your Lordship's faithful friend and servant,
G. BUCKINGHAM.

Royston, 14 October, 1623.

TO SIR EDWARD CONWAY.[2]

Good Mr. Secretary,

This gentleman was my late servant, a very honest and sufficient man. He thinks of a place more answerable to the stature of his body than the abilities of his mind,[3] which are I assure you far beyond it. I pray furder his suit for my sake, which I shall esteem as a favour done to myself who rest,

Your affectionate friend,
FR. St. ALBAN.

Gray's Inn, this
18 of 8bre 1623.

[1] Harl. MSS. 7004, f. 118. Original: own hand. Docketed by Bacon, "D. Buc. 12 Oct. 1623."

[2] From the original in Bacon's own hand; belonging to the late Sir William Tite. Addressed "to the R. Hon. his very good friend Sir Ed. Conway, principal Secretary to his Majesty."

[3] His suit was for the reversion of the place of sword-bearer of London. See Calendar of S. P. 1623–1625, p. 104.

CHAPTER IX.

A.D. 1623. OCTOBER–MARCH. ÆTAT. 63.

1.

Bacon's bad health during the spring and summer of the year interrupted his work, and though it appeared after his death that he had not altogether forsaken the natural histories which were to have followed the history of 'Life and Death,' but had spent a good deal of labour upon several of them, and especially upon the history of 'Density and Rarity' which was to have come next, he was obliged to give up the attempt to complete and publish them at intervals as he had intended. In the autumn of 1620 the reason he gave for publishing the *Novum Organum* incomplete was that "he numbered his days and would have it saved." What he had gone through since must have brought the end of his days a good deal nearer; and the repeated "sicknesses" of this year warned him to select such business as he might hope to finish. Now it was his opinion that a modern language could not be trusted to carry a book down to future ages; that to give it a chance of "lasting as long as books last" it must be in "the general language." He thought it expedient therefore to make safe the books which he had published in English by having them translated into Latin; and this appears to have been his principal occupation during this summer. It was a work for which he could obtain sufficient assistance to relieve him from the main labour, and which it was nevertheless necessary that he should watch and superintend: suitable therefore for a season when his health would not allow of continuous work, and it seemed probable that his working days would soon be at an end altogether.

As far as the future ages were concerned, time does not seem to approve his opinion. To judge by present appearances, Latin is not the language in which a book may be expected to last longest and command either the largest audience or the fittest. As long as

scholars *conversed* with each other in Latin, it was for them a living language and could express new ideas; but when they ceased to use it for that purpose, it ceased to be a common language except for the past; and men found that they could exchange new ideas better by learning their neighbours' tongues and writing in their own: whence it has come to pass that a book will now find its way to those whom it addresses more easily, more certainly, and more extensively, if written in any living language which has a literature, than it would if written in Latin. But in Bacon's time this was not so: and though his apprehension that the English of his own day might become unintelligible to the intelligent of *future* generations was apparently groundless, it was quite true that it was intelligible only to a small fraction of his own. For the preservation of his writings to posterity, English was probably the safer vehicle: but for the diffusion of them among his contemporaries on the continent of Europe, Latin was indispensable.

I have elsewhere given my reasons for thinking that he brought out the 'Advancement of Learning' somewhat in a hurry to meet a special occasion,—the rare accident of the accession to the crown of a really learned man in the prime of life, who might possibly take an interest in the great project for the regeneration of philosophy which he had already conceived. He wrote it in English (probably because it was important to lose no time) but he always meant to have it translated into Latin, because "the privateness of the language wherein it was written" excluded so many readers:[1] and this before he had any thoughts of making it a part of the *Instauratio*. Having now determined to make it serve for that general survey of the intellectual globe,—that summary account of the existing condition of human knowledge,—with which the *Instauratio* was to begin, it was necessary not only to have it translated but to have large additions made to it. We have seen that this work was so far advanced in the preceding summer that he expected to have it finished before the autumn.[2] Many causes may have contributed to delay its progress; among others, the quantity of entirely new matter to be inserted, which would naturally increase upon him as he went on with the revision of the work of his translators—and which was enough in fact to fill more than 150 folio pages of the printed volume. By the time however that the Prince and Buckingham returned safe and sound, to the great joy of England, from a position which had latterly been rather perilous, the whole work was complete and ready for delivery: as we see by the next letters.

[1] Letter to Dr. Playfair, Vol. III. p. 301.
[2] Letter to Baranzano. Above, p. 375.

TO THE KING.[1]

It may please your most excellent Majesty,

I send in all humbleness to your Majesty the poor fruits of my leisure. This book was the first thing that ever I presented to your Majesty; and it may be will be the last. For I had thought it should have been *posthuma proles*. But God hath otherwise disposed for a while. It is a translation, but enlarged almost to a new work. I had good helps for the language. I have been also mine own *Index Expurgatorius*, that it may be read in all places. For since my end of putting it into Latin was to have it read everywhere, it had been an absurd contradiction to free it in the language and to pen it up in the matter.[2] Your Majesty will vouchsafe graciously to receive these poor sacrifices of him that shall ever desire to do you honour while he breatheth, and fulfilleth the rest in prayers.

Your Majesty's true beadsman,
and most humble servant.

Todos duelos con pan son buenos: itaque det vestra Majestas obolum Belisario.

TO THE PRINCE.[3]

It may please your excellent Highness,

I send your Highness in all humbleness my book of 'Advancement of Learning' translated into Latin, but so enlarged as it may go for a new work. It is a book I think will live, and be a citizen of the world, as English books are not. For Henry the Eighth, to deal truly with your Highness, I did so despair of my health this summer as I was glad to choose some such work as I might compass within days; so far was I from entering into a work of length. Your Highness's return hath been my chief restorative. When I shall wait upon your

[1] Gibson Papers, vol. viii. f. 271. *Verso.* Copy in Bacon's hand.

[2] This is the true and sufficient explanation of the omission of some passages which occurred in the 'Advancement of Learning'—an omission for which other explanations have been suggested. He struck out or altered such passages as might have caused the book to be forbidden in Italy. See 'Advancement of Learning' (works, vol. iii.) pp. 277, 282, 287, 288, 300, 307, 321, 323, 337, 414, 477, 483, 488.

[3] Gibson Papers, vol. viii. f. 271. *Verso.* Copy in Bacon's hand.

Highness I shall give you a further account. So I most humbly kiss your Highness's hands, resting

Your Highness's most devoted servant.

I would (as I wrate to the Duke in Spain) I could do your Highness's journey any honour with my pen. It began like a fable of the poets; but it deserveth all in a piece a worthy narration.

To the R. Honble. his very good L. the Duke of Buckingham, his Gr. L. High Admiral of England.[1]

Excellent Lord,

I send your Grace for a *Parabien* a book of mine, written first and dedicated to his Majesty in English, and now translated into Latin and enriched. After his Majesty and his Highness, your Grace is ever to have the third turn with me. Vouchsafe of your wonted favour to present also the King's book to his Majesty. The Prince's I have sent to Mr. Endimion Porter.* I hope your Grace (because you are wont to disable your Latin) will not send your book to the Conde d'Olivares, because he was a deacon; for I understand by one (that your Grace may guess whom I mean) that the Conde is not rational, and I hold this book to be very rational. Your Grace will pardon me to be merry, however the world goeth with me. I ever rest

Your Grace's most faithful and obliged servant,

Fr. St. Alban.

I have added a begging postscript in the King's letter; for, as I writ before, my cables are worn out, my hope of tackling is by your Lordship's means. For me and mine I pray command.

Gray's-Inn, this 22d
October, 1623.

To the Lord St. Alban.[2]

My Lord,

I give your Lordship many thanks for the Parabien you have sent me; which is so welcome unto me both for the author's sake and for the worth of itself, that I cannot spare a work of so much pains to your Lord-

[1] Fortescue Papers. Original: own hand.
[2] Harl. MSS. 7000, f. 120. Original: own hand.

ship and value to me, unto a man of so little reason and less art; who, if his skill in languages be no greater than I found it in argument, may perhaps have as much need of an interpreter (for all his deaconry) as myself. And whatsoever mine ignorance is in the tongue, yet thus much I understand in the book, that it is a noble monument of your love, which I will entail to my posterity, who, I hope, will both reap the fruit of the work, and honour the memory of the author. The other book I delivered to his Majesty, who is tied here by the feet longer than he proposed to stay.

For the business your Lordship wrote of in your other letter, I am sorry I can do you no service, having engaged myself to Sir William Becher before my going into Spain, so that I cannot free myself, unless there were means to give him satisfaction. But I will ever continue

Your Lordship's assured friend
and faithful servant,
G. BUCKINGHAM.

Hinchenbrook,
27 Oct. 1623.

TO THE LORD ST. ALBAN.[1]

My honourable Lord,

I have delivered your Lordship's letter and your book to his Majesty, who hath promised to read it over: I wish I could promise as much for that which you sent me, that my understanding of that language might make me capable of those good fruits which I assure myself by an implicit faith proceed from your pen. But I will tell you in good English,[2] with my thanks for your book, that I ever rest

Your Lordship's faithful friend
and servant,
G. BUCKINGHAM.

From Hinchenbrook,
29th of Oct.

The letters accompanying the copies of the work presented to the Universities and to Trinity College are not dated, but belong no doubt to this time.

FRANCISCUS BARO DE VERULAMIO, VICECOMES SANCTI ALBANI, ALMÆ MATRI INCLYTÆ ACADEMIÆ CANTABRIGIENSI SALUTEM.[3]

Debita filii, qualia possum, persolvo. Quod vero facio, idem

[1] Harl. MSS. 7000, f. 122. Orig. Docketed by Bacon, "1623. L^re from the Marquis upon the presentment of my book."

[2] It was probably some expression of the same kind in Buckingham's acknowledgment of the *Historia Ventorum* that Bacon alludes to when he thanks him for having "given him so good English for his Latin book." See above, p. 395.

[3] 'Baconiana,' p. 189.

et vos hortor; ut Augmentis Scientiarum strenue incumbatis, et in animi modestiâ libertatem ingenii retineatis, neque talentum a veteribus concreditum in sudario reponatis. Affuerit procul-dubio et affulserit divini luminis gratia, si humiliatâ et submissâ Religioni Philosophiâ, clavibus sensus legitime et dextre utamini, et, amoto omni contradictionis studio, quisque cum alio, ac si ipse secum, disputet. Valete.[1]

Inclytæ Academiæ Oxoniensi.[2]

Cum almæ matri meæ inclytæ Academiæ Cantabrigiensi scripserim, decessem sane officio, si simile amoris pignus sorori ejus non deferrem. Sicut autem eos hortatus sum, ita et vos hortor, ut Scientiarum Augmentis strenue incumbatis, et veterum labores neque nihil neque omnia esse putetis; sed vires etiam proprias modeste perpendentes, subinde tamen experiamini: Omnia cedent quam optime, si arma non alii in alios vertatis, sed junctis copiis in naturam rerum impressionem faciatis; sufficit quippe illa honori et victoriæ. Valete.[3]

Franciscus Baro de Verulamio, Vicecomes Sancti Albani, percelebri Collegio Sanctæ et Individuæ Trinitatis in Cantabrigia salutem.[4]

Res omnes earumque progressus initiis suis debentur. Itaque cum initia scientiarum e fontibus vestris hauserim, incrementa ipsarum vobis rependenda existimavi. Spero itidem fore, ut

[1] To the University of Cambridge. "The debts of a son, such as I can, I discharge. And what I do myself, I exhort you to do likewise; that is to apply yourselves strenuously to the advancement of the sciences, in modesty of mind to retain liberty of understanding, and not to lay up in a napkin the talent which has been transmitted to you in trust from the ancients. Surely the grace of the divine light will attend and shine upon you, if humbling and submitting Philosophy to Religion you make a legitimate and dexterous use of the keys of sense; and putting away all zeal of contradiction, each dispute with other as if he were disputing with himself. Farewell."

[2] Blackbourne, vol. ii. p. 405.

[3] To the University of Oxford. "Having written to my renowned nursing-mother, the University of Cambridge, I should be wanting in duty if I did not send a like pledge of love to her sister. And as I have exhorted them, so likewise I exhort you, to apply yourselves strenuously to the advancement of the sciences, and to account the labours of the ancients neither as being nothing nor as being all; but to weigh your own powers modestly and yet nevertheless to make trial of them. All will succeed best, if instead of turning your arms one against the other, you join your forces to make an impression upon the nature of things. For that is enough for honour and victory. Farewell."

[4] 'Baconiana,' p. 193.

hæc nostra apud vos, tanquam in solo nativo, felicius succrescant. Quamobrem et vos hortor, ut salvâ animi modestiâ, et erga veteres reverentiâ, ipsi quoque scientiarum augmentis non desitis: verum ut post volumina sacra verbi Dei et Scripturarum, secundo loco volumen illud magnum operum Dei et creaturarum strenue et præ omnibus libris (qui pro commentariis tantum haberi debent) evolvatis. Valete.[1]

2.

The condition of the marriage treaty when the Prince and Buckingham returned was very different from what had been expected, and much more satisfactory to the people. It had not been concluded, and there were good hopes that it would be broken off after all; and broken off upon a disagreement concerning "material points of religion." The true history of the negotiation was of course still secret; but popular rumours gave Buckingham the credit of having brought the breach about upon Protestant grounds, and made him for the time a popular hero.[2] His new position gave Bacon a new opportunity of being useful. So young a politician could not but need an experienced counsellor to advise him as to his conduct in it. And though Bacon did not know enough of what had passed to offer advice as to the further conduct of the negotiation, he knew what the English people were likely to think about the issue, and what Buckingham would have to do in order to maintain his place in the world: which was thought at the time to be so far from secure, that (according to Clarendon) both Williams and

[1] To Trinity College, Cambridge. "All things and all the growths thereof are due to their beginnings. And therefore seeing that I drew my beginnings of knowledge from your fountains, I have thought it right to return to you the increase of the same; hoping likewise that these things of mine will spring up the more happily among you, as being in their native soil. Wherefore I exhort you likewise, while duly retaining the modesty of your minds and your reverence for the ancients, not to be wanting on your part also to the advancement of the sciences; but next after the sacred volumes of the word of God and the Scriptures, to study earnestly and before all other books (which ought to be counted only as commentaries upon it) that great volume of the works of God and his Creatures. Farewell."

[2] "The Duke of Buckingham's carriage in all the business is much applauded and commended; and sure if it were altogether as is reported, it was brave and resolute. . . . . The Earl of Bristol and the Spaniards give out that if it had not been for his impatience the marriage had been consummated before Christmas Day." Chamberlain to Carleton, 11 Oct. 1623.

"This journey hath wrought one unexpected effect, that whereas it was thought the Spaniards and we should piece and grow together, it seems we are generally more disjointed and further asunder in affection than ever." *Ibid.* 25 Oct.

Cranfield had begun "to withdraw from their absolute dependence upon him, and to make some other essays."[1]

The notes that follow would be more intelligible if we knew how far Bacon was acquainted with the part which Buckingham had really played in the business, and to what engagements the King and the Prince had committed themselves. He had opportunities through Matthew of knowing or conjecturing more of the truth than was known to people in general; but how much more, we have no means of judging. On the first of November, a committee of the Privy Council heard from Buckingham a narrative of his proceedings in Spain; but they had been sworn, by special command of the Prince, to repeat nothing of what they might hear: and therefore we may conclude that whatever may have got abroad was of no good authority. Bacon knew, what was notorious, that Buckingham had come back with a desire to break the treaty off. He knew also that he had quarrelled both with Gondomar and Olivarez: that he had committed himself to a course which the King was not yet prepared to follow; and that there was an expectation abroad that a Parliament would be summoned very soon. The warrant commanding the Lord Keeper to issue writs was not signed till the 28th of December; but Buckingham and the Prince had been urging the measure upon the King some time before.[2]

MINUTE FOR AN ADVICE TO THE DUKE OF BUCKINGHAM.[3]

That I am exceeding glad his Grace is comen home with so fair a reputation of a sound Protestant, and so constant for the King's honour and errand.

His Grace is now to consider that this reputation will vanish like a dream, except now upon his return he do some remarkable act to fix it and bind it in.

They have a good wise proverb in the country whence he cometh, taken I think from a gentlewoman's sampler, *Quien no da nūdo pierde punto*, he that tieth not a knot upon his thridd leeseth his stitch.

Any particular I that live in darkness cannot propound. Let his Grace who seeth clear, make his choice; but let some such thing be done and then this reputation will stick by him, and his Grace may afterwards be at the better liberty to take and leave of the future occasions that shall present.

[1] Hist. of Rebellion, book i. p. 47.
[2] Gardiner, vol. ii. pp. 450–452.
[3] Gibson Papers, vol. viii. f. 271. Draught in Bacon's hand. No heading, nor anything to show whether a minute for a letter or an interview.

To the R. Honble. his very good Lord the Duke of Buckingham, Lord High Admiral of England.[1]

Excellent Lord,

I send Mr. Packer to have ready, according to the speech I had with your Grace, my two suits to his Majesty, the one for a full pardon, that I may die out of a cloud; the other for the translation of my honours after my decease. I hope his Majesty will have compassion on me, as he promised me he would. My heart telleth me that no man hath loved his Majesty and his service more entirely, and love is the law and the prophets. I ever rest

Your Grace's most obliged
and faithful servant,
Fr. St. Alban.

25 Nov. 1623.

Notes for Conferences with Buckingham.[2]

My L., my counsels bear not so high an elevation as to have for their mark business of estate. That which I level at is your standing and greatness, which nevertheless I hold for a main pillar for the K's service.

For a Parliament, I hold it then fit, when there have passed some more visible demonstrations of your power with the K. and your constancy in the way you are in: before not.

There are considerable in this state three sorts of men. The party of the Papists which hate you, The party of the Protestants, including those they call Puritans, whose love is yet but green towards [you], and particular great persons, which are most of them reconciled enemies, or discontented friends: and you must think there are a great many that will magnify you and make use of you for the breaking of the match or putting the realm into a war, which after will return to their old bias.

For particulars, it is good to carry yourself fair, but neither to trust too far nor to apply too much but keep a good distance, and to play your own game, shewing yourself to have, as the bee hath, both of the honey and of the sting.

[1] Fortescue Papers. Original: own hand.

[2] Gibson Papers, vol. viii. f. 192. In Bacon's hand. Docketed "Conf. Buck. 1, 2."

The speech now abroad is, My L. of Buck. his head is full of thoughts, he hath a great task, either he must break, or the match must break, he was wont to go to the King's ways, but now he goeth cross his way he will easily leese his way.

There is a point nice to be managed, yea and tender to be spoken of, which is your carriage between the K. and the Prince, so that you may leese no manner ground with the Prince and yet the K. may not think himself the more solitary, nor that you adore too much the sun rising: Though this you may set down, that the way to have the King sure unto you is to keep great with the Prince.

Conf. wth Bu. C 8^a^.[1]

17 Dec. 1623. You march bravely, but methinks you do not draw up your troops.

You must beware of these gen.[2] pardons. It will make men less in awe and respect you. *Urina chiara fa fico al medico.*

The points of the general advice.

If a war be proceeded in, to treat a strait league with France, under name of a Renovation. q.[3] of the match with France. Three secret articles, The liberty of the German nation, whereof there is a fresh precedent of H. the 2 of Fr., that took it into protection prosperously, and to the arrest of the Emp. Charles his greatness. 2. The conservation of the liberties of the Low-Countries for the United Provinces, and open trade into the East and West Indies.

Offer of mine own service upon a commission, into France.

My L. hath against him these disadvantages; The catholic

[1] Gibson Papers, vol. viii. f. 192. Docketed "Conf. Buck. C. 8."

[2] So I read the word—short for 'general.' Birch read it 'your.'

"Here is speech of a general pardon to come forth shortly, such as was at the Coronation, which would seem to be the forerunner of a Parliament, though others interpret it otherwise." Chamberlain, 25 Oct. 1623.

"At last on the 28th of August Conway was able to inform the Lord Keeper that the pardon and dispensation had been signed by the King, and at the same time he directed him to prepare a warrant for the liberation of the imprisoned priests, and to write a letter to the judges and magistrates, desiring them to take note of the pardon which had been granted and to allow it to be pleaded in Court." Gardiner, vol. ii. p. 418.

In Conway's 'Letter-book' there is a minute of a letter to the Lord Treasurer dated Royston, Oct. 14, "To proceed in the business of repairing the forts, and also to hasten the general pardon, and give an account of it." Cal. S. P. p. 95.

[3] Birch read "a renovation of the match with France." But there is certainly a "q" before "of," and I think a full stop after renovation. "Q" is meant of course for *query*, and is parenthetical; but whether the doubt relates to the word before or the word after is hard to say.

party; the Spaniard; The envy and fear of particular great ones; The nice point of carrying himself between the K. and the Prince.

The knot which is to be tied for his reputation must either be advancing or depressing of persons, or putting by or forwarding of actions.

Conf. BU. qu. and old store,[1] January 2, 1623.[2]

There is not an honester man in court than Montgomery.

To take some opportunity by the D.'s means to speak with the Prince in presence of the D.

To think, whether it be fit for me to speak with the King, and to seek access before Parliament; if there

The offer of my service to live a summer as upon mine own delight at Paris, to settle a fast intelligence between France and us.

I have somewhat of the French: I love birds, as the King doth, and have some childish [3] wherein we shall consent.

To think of Belfast's sending over into Ireland.

Those that find themselves obnoxious to Parliament will do all they can, that those things which are likest to distaste the King be first handled.

It is not to be forgotten that as long as great men were in question, as in my case, all things went sweetly for the K. But the second meeting, when no such thing was, the rack went higher.

Weeding time is not yet come. *Cott. Car.* fill.
Vane (?) qu. of y. *Car.*

The battery will be chiefly laid on the Prince's part, if they find any entry.

To be author of some counsel to the Prince that tasteth of religion and virtue, lest it be imputed that he entertains him only in pleasures, like a *Pe. Ga.*[4]

The things remarkable for your Grace to fix and bind in the reputation which you have gained, must be either persons or matters.

[1] So read by Birch; but I do not think it is the word.
[2] Gibson Papers, vol. viii. f. 179. No docket.
[3] A word which I cannot make out. Birch read it "mindedness," which it cannot have been meant for.
[4] Peter Gavaston, I presume; Edward the 2nd's favourite.

The doubt the Pr. is *mollis cera*, and somewhat *di ultima impression*. Therefore good to have sure persons about him, or at least none dangerous.

For the pardons to proceed, it is a tender business. First, whatsoever useth to be done out of Parliament done in Parliament is thankless.[1] Then it is not good for his Grace. It will make men bolder with him. *Urina chiara fa fico al medico.* Lastly, remove the envy from others, it may beat upon my Lord himself, or the King.

Conf. B. January 2, 1623.[2]

You have now tied a knot, as I wished you; *chi no da nūdo pierde punto*. A jolly one, The Parliament.

Although I could have wished that before a Parliament some remarkable thing had been done whereby the world might have taken notice that you stand the same in grace and power with the K. But there is time enough for that between this and Parliament. And besides the very prevailing for a Parliament sheweth your power with the K.

You march bravely, do you draw up your troops so well?

One of these days I shall turn my L. Brooke, and say to you *O brave Bu.*

I will commend you to all others and censure you only to yourself.

You bowl well, if you do not horse your bowl an hand too much. You know the fine bowler is knee almost to ground in the delivery of the cast.

Nay and the King will put a hook in the nostrils of Spain, and lay a foundation of greatness here to his children in these west parts. The call for me, it is book-learning. You know the King was wont to do me the honour as to say of me *de minimis non curat lex:* if good for any thing for great volumes. I cannot thridd needles so well.

[1] I am doubtful of the reading here. He had first written "w^t^ soever useth to be doon owt of." Then a line has been drawn through *owt of* and *is* written over it. Then *is* has been crossed out in the same way; and the sentence proceeds "in Parlam^t^ doon in Plam^t^ is thankless." Only the first *is* is far from clear, and might be read *sis.* which might be short for *sine.*

[2] Gibson Papers, vol. viii. f. 192. Docketed by Bacon "Conf. B. Jan. 2, 1623."

The Chamb. For his person not effectual; but some dependances he hath which are drawn with him. Besides he can take no reputation from you.

Montgomery is an honest man and a good observer. Can you do nothing with Naunton? Who would think now, that I name N. to my L. of Buc.?[1] But I speak to you point-blank: no crooked end, either for myself or for others turn.

The French treaty, besides the Alliance, is to have three secret art.: The one, the protection of the liberty of Germany and to avoid from it all forces thence, like to that which was concluded between the Princes of Germany and H. 2,[2] the last King except H. 4th of value in France, for the race of the Valois were *faitneants*; and in the name of Germany to conclude the Grisons and Valtoline. The second, the conserving of the liberties of the Low-Countries. The third, the free trade into all parts of both East and West Indies. All these import no invasive hostility, but only the uniting of the states of Europe against the growing ambition of Spain.[3]

I am persuaded the hinge[4] of the K.'s affairs, for his safety and greatness, is now in Spain. I would the K. had an abler instrument.

Above all, you must look to the safety of Ireland, both because it is most dangerous for this state (for the disease will ever fall to the weakest part), and besides this early declaration against Spain which the popish party call abrupt, and is your Grace's work, may be thought to be the danger of Ireland. It were good you called to you Belfast and Grandison, and ask their opinions what is best to be done for the safety of Ireland, either by increasing the list of companies, and by contenting those that are in arrear by pays; or by altering any governors there; or by having companies ready mustered and trained here, towards the coast of Ireland, or by having shipping in readiness, etc. For this gown commission, I like it well; but it is but paper-shot for defence.

If the papists be put in despair, it both endangereth Ireland,

[1] Sir R. Naunton was a competitor for the Provostship of Eton, which was still vacant.

[2] "This league first arrested the greatness of the Emp. and cloistered him." (Marginal note by Bacon.)

[3] Neither do any of these touch upon the cause of religion." Id.

[4] The word in the MS. appears to be "hingen."

and maketh a greater difficulty in the treaty and alliance with France.

To think of a difference to be put between the Jesuits and other priests and papists, as to reduce[1] in some moderation the banishment of the one, though not of the other: but to remember, that they were the reasonablest, as I take it, in the consultation; and it may draw the blow of an assass. against Bu.

At least the going on with the Parliament hath gained this, that the discourse is ceased, My L. of Bu. hath a great task. His head is full: either the match breaks or his fortune breaks. He was [wont to] run his courses with the stream of the King's ways; but now he goeth cross way, he may soon leese his own way.

If your Gr. go not now constantly on for religion and round dealing with Spain, men will either think they were mistaken in you, or that you are brought about; or that your will is good but you have no power.

Your Grace hath a great party against you and a good rough way. The Spaniards hate you: The Papists little better. In the opinion of the people you are green, and men yet at a gaze. Particulars are for the most part discontented friends or reconciled enemies: and the nice dividing between the *sol orient* and *occident*.

To the Duke of Buckingham.[2]

Excellent Lord,

I desire in this which I now presume to write to your Grace, to be understood, that my bow beareth not so high as to aim at an advice touching any of the great affairs now on foot, and so to pass it to his Majesty through your hands; though it be true that my good affection towards his Majesty and the Prince and the public is that which will last die in me; and though I think also his Majesty would take it but well, if, having been the man I have been, my honest and loyal mind should sometimes feed upon those thoughts. But my level is no furder, but to do the

[1] I do not think this is the right word, but I cannot make out what is.

[2] Harl. MSS. 1581, f. 391. Copy fairly written in Bacon's handsomest hand, but not signed or dated. Docketed (I think by Meautys) "A lre. to ye D. of Bucking^m^." Beneath in another hand, "No. 13.'

Another copy, with corrections here and there by Bacon, in Gibson Papers, vol. viii. f. 283.

part of a friend in advising yourself, for your own greatness and safety; although even in this also, I assure myself I perform a good duty to the public service, unto which I reckon your Grace's standing and power to be a firm and sound pillar of support.

First therefore (my Lord) call to mind oft and consider duly how infinitely your Grace is bound to God, in this one point, which I find to be a most rare piece, and wherein, either of ancient or later times, there are few examples: That is, that you are so dearly beloved both of the King and Prince: your Gr. is not as a *Lerma* or an *Olivares*, or many others the like, who have insinuated themselves into the favours of young princes during the Kings' their fathers' time, against the bent and inclination of the Kings: but contrary-wise the King himself hath knit the knot of trust and favour between the Prince and your Grace: wherein you are not so much to take comfort in that you may seem to have two lives in your own greatness, as in this, that you are hereby enabled to be a noble instrument for the service, contentment, and heart's-ease both of father and son. For where there is so loving and indulgent a father, and so respective and obedient a son, and a faithful and worthy servant interessed in both their favours upon all occasions, there cannot be but a comfortable house. This point your Grace is principally to acknowledge and cherish.

Next, (that which I should have placed first save that the laying open of God's benefits is a good preparation to religion and godliness), your Grace is to maintain yourself firm and constant in the way which you have begun; which is, in being and shewing yourself to be a true and sound Protestant. This is your soul's health. This is that you owe to God above for his singular favours, and this is that which hath brought you into the good opinion and good will of the realm in general. So that as your case differeth (as I said) from the case of other favourites, in that you have both King and Prince; so in this that you have also, now, the hearts of the best subjects (for I do not love the word People), your case differeth from your own, as it stood before.

And because I would have your reputation in this point complete; let me advise you that the name of Puritans, in a Papist's mouth, do not make you to withdraw your favour from such as

are honest and religious men, (so as they be not of turbulent and factious spirits, nor adverse to the government of the Church), though they be sometimes traduced by that name. For of this kind is the greatest part of the body of the subjects, and besides (which is not to be forgotten), it is safest for the King and his service, that such men have their dependence upon your Grace (who are intirely the King's) rather than upon any other subject.

For the Papists, it is not unknown to your Grace that you are not at this time much in their books. But be you still yourself; and far be it from you, under a King and Prince of that clemency, to be inclined to rigour or persecution. But three things must be looked unto: The one, that they be repressed in any insolency, which may tend either to disquiet the civil estate, or to scandalize our Church in fact, (for otherwise all their doctrine doth it in opinion); the second, that there be an end or limits of those graces which shall be thought fit for them; and that there be not every day new demands hearkened unto; the third, that for those eases and graces which they have received or shall receive of the state, the thanks go the right way; that is to the King and Prince and not to any foreigner. For this is certain, that if they acknowledge them from the state, they may perhaps sit down when they are well; but if they have a dependence upon a foreigner, there will be no end of their growing desires and hopes. And in this point also your Grace's wisdom and moderation may do much good.

For the match with Spain, it is too great and dark a business for me to judge of. But as it hath relation to concern yourself, I will (as in the rest) deal freely with your Grace. My Lord, you owe in this matter two debts to the King: The one, that if in your conscience and judgment you be persuaded it be dangerous and prejudicial to his M. and his kingdoms, you deliver your soul, and in the freedom of a faithful counsellor, joined with the humbleness of a dutiful servant, you declare yourself accordingly, and shew your reasons; The other, that if the King in his high judgment, or the Prince in his settled affection, be resolved to have it go on, that then you move in their orb, as far as they shall lay it upon you. But meanwhile let me tell your Grace, that I am not of the general opinion abroad, That the match must break, or else my Lord of Buckingham's fortune must break. I am of another opinion. And yet perhaps it will

be hard to make you believe it; because both sides will persuade you to the contrary; for they that would not have it go on will work upon that conceit, to make you oppose it more strongly; they that would have it go on, will do the same, to make you take up betimes, and come about. But I having a good affiance in your Grace's judgment, will tell you my reason why I thus think, and so leave it. If the match should go on, and put case against your counsel and opinion; doth any man think, that so profound a King, and so well seen in the science of reigning, and so understanding a Prince, will ever suffer the whole sway of affairs and greatness to go that way? and if not, who should be fitter to keep the balance even, than your Grace, whom the King and the Prince know to be so intirely their own, and have found to be so nobly independent upon any other? Surely in my opinion, you are like to be greater by counterpese against the Spanish dependance than you could be by concurrence. And therefore in God's name, do your duty faithfully and wisely; for behaving yourself otherwise as I know you will, your fortune is like to do well either way.

For that excellent Lady, whose fortune is so distant from her merit and virtue, the Queen of Bohemia; your Grace being as it were the first born or prime man of the King's creatures, must in consequence owe the most to his children and generations. Whereof I know your noble heart hath far greater sense, than any man's words can infuse into you. And therefore whatsoever lieth within the compass of your duty, and possibility, will no doubt spring from you, out of that fountain. It is open to every man's discourse, that there are but two ways for the restitution of the Palatinate, Treaty and Arms. It is good therefore to consider of the Middle Acts, which may make either of these ways desperate, to the end they may be avoided, in the way which shall be chosen. If no match (either that with Spain, or perhaps some other with Austria), no restitution by treaty. If the Dutch either be ruined or grow of themselves to a peace with Spain, no restitution by war. But these things your Grace understandeth far better than myself; And, as I said before, the point of state I aim not at; furder than may concern your Grace, to whom while I live, and shall find it acceptable to you, I shall ever be ready to give the tribute of a true friend and servant, and shall always

think my counsels given to you happy, if you shall pardon them when they are free, and follow them when they are good. God preserve and prosper your Grace.

8.

With regard to the Provostship of Eton, Buckingham's letter of the 27th of October seems to have been conclusive with Bacon; for though the place remained vacant for a long time and was the object of several suitors and much suing, we hear of no further application from him. The "means to give Sir W. Becher satisfaction" were found in the reversion of the mastership of the Rolls; which Sir Henry Wotton, who then held it, was willing in consideration of this appointment to place at Buckingham's disposal: who so disposed of it as to vacate some other place with which Becher was satisfied. Bacon, having nothing left to give up, could not have competed on such conditions; and what he would have made of the office—which, placing him at the head of the principal place in England for the education of youth, would have supplied him with a fit field for work both legislative and administrative—must be left to conjecture.

But an unexpected windfall which came into the Treasury about this time supplied the King with an opportunity of making him a present which had not been bespoken by any more forward suitor. Some of the officers of the Exchequer had discovered an old arrear due to the Crown from Sir Nicholas Bacon, his half-brother. Upon hearing of which he wrote the following letter to Buckingham.

To the Duke of Buckingham.[1]

Excellent Lord,

There is a suit whereunto I may as it were claim kindred, and may be of credit and profit unto me. And it is an old arrear, which is called upon, from Sir Ni. Bacon, my eldest brother. It may be worth to me perhaps two thousand pounds, and yet I may deal kindly with my brother, and also reward liberally (as I mean to do) the officers of the Exchequer which have brought it to light. Good my Lord, obtain it of the King, and be earnest in it for me. It will acquit the King somewhat

[1] Gibson Papers, vol. viii. f. 193. Fair Copy in Bacon's hand. No fly-leaf. Indorsed "To Buck[m]."

of his promise that he would have care of my wants. For hitherto since my misfortunes I have tasted of his Majesty's mercy, but not of his bounty. But your Lordship may be pleased in this to clear the coast with my Lord Treasurer; else there it will have a stop. I am almost at last cast for means, and yet it grieveth me most, that at such a time as this I should not be rather serviceable to your Grace than troublesome

God preserve and prosper your Grace,

Your Grace's most obliged

and faithful servant,

FR. ST. ALBAN.

This 23 of January,
1623.

TO THE LORD ST. ALBAN.[1]

My Lord,

I have moved his Majesty in your suit, and find him very graciously inclined to grant it; but he desireth first to know from my Lord Treasurer his opinion and the value of it: to whom I have written to that purpose this inclosed letter, and would wish your Lordship to speak with him yourself for his favour and furtherance therein: and for my part I will omit nothing that appertaineth to

Your Lordship's faithful friend and servant,

G. BUCKINGHAM.

Newmarket,
the 28 of January, 1623.

The reference of such a matter to the Lord Treasurer could hardly have been avoided, though the condition was an unfavourable one for Bacon, who had reason to expect hindrance rather than help from Cranfield in all cases, and could hardly hope in this case to persuade him that the money could not be put to more profitable uses. The suit, I think, was ultimately granted: for I gather from a letter of Sir Thomas Coventry's, dated 29th October, 1625, which will be given in the next chapter, that Bacon had still an interest in the arrear: the recovery of which (having been delayed first by the death of Sir Nicholas, and afterwards by the death of the King and the adjournment of the term) was still pending in the form of an action against Sir Edmund Bacon at the suit of the Crown; the result of which I do not know.

[1] Harl. MSS. 7000. f. 74. Original. Docketed by Bacon "D. Bu. 28 Jan. 1623." And at the other end, apparently by Meautys, "Late letters written from my Lo. of Buck^m to my Lord."

4.

The petition which Bacon had prepared for the House of Lords towards the end of the year 1621 for help in obtaining leave to come within the verge of the Court, was prevented by the dissolution of Parliament: and the desired liberty was granted a few months after. He now felt a strong desire to be relieved from that other clause in the sentence which forbade him to sit in Parliament,—and to be so relieved with the good liking of the Lords themselves; which had always been the condition on which he asked for any favour in his troubles; and without which indeed this particular favour would have been of no value. Desiring that the motion should come from themselves, and if possible from those who were most independent, he did not proceed by formal petition but addressed himself privately to two of the most prominent members of the popular party in the Upper House—who had taken an active part in the proceedings against himself, and were most opposed to Buckingham and the Court party—the Earl of Southampton and the Earl of Oxford.

Not having been degraded from his rank as a Peer, he would, I suppose, be summoned to attend each Parliament in the usual form (for the Clerk of the Crown was not officially informed of his disqualification); but having been forbidden ever to sit in Parliament, he could not obey the summons without an express warrant releasing him from that part of the sentence. I do not know exactly what authority the House of Lords had in the matter, or whether they had any power to remit a punishment awarded in a former Parliament by themselves. Probably not. But an intimation to the King that they wished to readmit Bacon into their company would no doubt have procured the necessary warrant. And it must have been this, I think, in which he now desired the favour and furtherance of these two noblemen. For though he speaks of "wishing to have *his writ*," it appears from a later letter that it was not the writ itself, but the liberty to use it, which he wanted. Writing to Sir Humphrey May at new year's tide, 1625 (that is, 1625-6), he says "my writ for Parliament I have now had twice[1] before the time, and that without any express restraint not to use it." And yet it is evident that he regarded himself as still excluded and unable to sit without a pardon. Whence we may also infer that these two letters which follow had been without effect.

[1] That would be for James's last Parliament (Feb. 1623-4) and Charles's first (June, 1625).

TO THE RIGHT HONBLE. HIS VERY GOOD LORDSHIP THE EARL OF SOUTHAMPTON.[1]

My very good Lord,

It pleased your Lordship when we met last, and did not think, I dare say, that a Parliament would have been so soon, to assure me of your love and favour; and it is true that out of that which I have heard and observed of your noble nature I have a great affiance in your Lordship. I would be glad to receive my writ this Parliament, that since the root of my dignity is saved to me it might also bear fruit, and that I may not die in dishonour.

But it is far from me to desire this except it may be with the love and consent of the Lords: if their Lordships shall vouchsafe to think me worthy of their company or fit to do them service, or to have suffered sufficiently, whereby I may now be after 3 years a subject of their grace as I was before a subject of their justice.

In this matter I hold your Lordship's favour so essential as if God shall put it into your heart to give me your favour and furtherance, I will apply my industry and other friends to co-operate with your Lordship. Otherwise I shall give over to think of it; and yet ever rest

Your Lordship's affectionate and humble servant,

FR. ST. ALBAN.

Last of January,
1623.

TO THE EARL OF OXFORD.[2]

My very good Lord,

Let me be an humble suitor to your Lordship for your noble favour. I would be glad to receive my writ this Parliament, that I may not die in dishonour. But by no means, except it should be with the love and consent of my Lords to re-admit me, if their Lordships vouchsafe to think me worthy of

[1] From a copy of the original letter in Bacon's own hand (which is at Latimer), sent me by Mr. J. A. Froude, who supposes it to have come into Lord Chesham's family through Lady Rachel Russell, who was Lord Southampton's daughter.

[2] Gibson Papers, vol. viii. f. 194. Rough draught in Bacon's hand. Indorsed "To Lo. of Oxford, 2 Feb. 1623."

their company; or if they think that which I have suffered now these three years, in loss of place, in loss of means, and in loss of liberty (for a great time), to be a sufficient expiation for my faults, whereby I may now seem in their eyes to be a fit subject of their grace, as I have been before of their justice. My good Lord, the good which the commonwealth mought reap of my suffering, is already inned. Justice is done; An example is made for reformation; The authority of the House for judicature is established. There can be no further use of my misery; perhaps some little may be of my service; for I hope I shall be found a man humbled as a Christian, though not dejected as a worldling. I have great opinion of your Lordship's power, and great hope for many reasons of your favour; which if I may obtain, I can say no more but nobleness is ever requited in itself; and God (whose special favour in my afflictions I have manifestly found to my comfort) will I trust be my pay-master of that which cannot be requited by

Your Lordship's affectionate humble servant, etc.

5.

But though Bacon's voice was not to be heard again in Parliament or Council, we have one more note of what he would have said there, which for us is as good as a speech reported, if not better.

The last Parliament had been broken up upon a dispute about the abstract right of the House of Commons to discuss matters the ordering of which belonged to the Crown. The discussion itself did not threaten any difference in action which might not have been got over. By the help of some mutual concessions (for which they were prepared on both sides) they could have agreed pretty well as to what should be done. The Commons, when they found what difficulties their advice would involve, would have consented to modify it.[1] The King, if his *right* to interfere had not been disputed or ignored, would not have insisted upon interfering.[2] But the Commons could not be content without declaring that their privilege of discussing such questions was an "ancient and un-

[1] "Even now they had no wish to impose terms on the King. One member after another rose to point out that their petition did not even require an answer." Gardiner, vol. ii. p. 135.

[2] "He had at Williams's suggestion lowered his demands till he asked for nothing more than a mere polite acknowledgment of a historical fact." Ib. p. 147.

doubted birth-right;" while the King could not be content without an acknowledgment that they enjoyed it by the grace and favour of the Crown. It was a matter of principle on both sides; on which neither could give way. The Commons entered in their books a formal record of their claim. The King sent for their books and tore the record out. And on these terms they parted, leaving that old dispute in a condition more inconvenient than ever for adjustment. But though there was no chance of settling it, there was hope that in the next Parliament it would be allowed to sleep; for recent events had brought the Government and the people into better agreement as to practical objects.

In the autumn of 1621, when the state of the negotiation was explained to the two Houses by Digby, the difference of opinion between the Commons and the King as to policy was large and important. If Digby's report had been followed by a proposal to raise a force for the conquest of Spain, the recovery of Bohemia, and the overthrow of Popery, it is probable that the Commons would have taken it up with zeal, foreseen no difficulties, and suspended other disputes. But the recovery of the Palatinate only, leaving other things as they were—Bohemia in the hands of the Emperor, England in alliance with Spain, the Prince in treaty for an Infanta, and the English Catholics encouraged by toleration,—was not an object in the pursuit of which they could forget everything else. They wished for it, and meant no doubt to secure it; but they wanted to secure a great deal more, and they did not observe that the course which it was proposed to take for the rescue of the Palatinate would be crossed by an attempt to accomplish the rest. The hope of the Government was that if the cause of the Palatinate could be *separated* from the cause of Bohemia; if the demand were limited to the *status quo ante bellum;* and if at the same time it were seen that military preparations were in progress to enforce it,—then Spain, whose interest in the marriage made her a natural ally of England in this matter, would join with England in pressing the Emperor to consent. But to make this policy successful, it was important that the country should seem to be of one mind; and the debate in the House of Commons betrayed too clearly that this was not the case. They voted indeed by general consent a single subsidy, which would have been enough to sustain the garrisons in the Palatinate through the winter; but they postponed the rest, alleging that there was no hurry; and their course left it doubtful whether they were ready to grant more except upon conditions involving a total change of policy. For they coupled the

offer of the single subsidy with a petition setting forth their own view of what should be done; and this was in direct opposition to the course to which the Government had committed itself. Spain being in their eyes the great enemy and Popery the great evil, they would have had the King put himself at the head of the Protestant powers of Europe, declare war against Spain, marry the Prince to a Protestant, enforce the execution of the laws against Recusants, educate Papists' children under Protestant schoolmasters, prevent them from leaving England, and prohibit absolutely the restoration of forfeited lands.

So main a difference, though if the question of the abstract right had not been thrust in, it need not have caused an irreconcilable quarrel, must have seriously embarrassed the national action. But when the new Parliament met in February, 1623-4, the conditions of the question had been materially changed. On the 29th September, 1622, the case of the Palatinate had been laid before the Council for advice; and the Council, judging that the time had come which they had anticipated in their first report (March 5th, 1616-7)—the time when the treaty might be broken off "upon some material point of religion"—had advised prompt and peremptory action. The recent fall of Heidelberg, which had made the Prince impatient for the marriage by means of which he looked for its recovery, had made the Council impatient for a decisive answer as to the intentions of Spain.

"After a long and anxious deliberation, extending over four days, it was decided that a direct summons should be addressed to the King of Spain. Seventy days would be allowed him to obtain from the Emperor the restitution of Heidelberg; and if it should happen that either Mannheim or Frankenthal had also been taken, it was to be restored as well. Philip was also to engage that the negotiations for a general peace should be resumed on the basis laid down in the preceding winter, and to bind himself by an express stipulation that if the Emperor refused to consent to these terms he would order a Spanish army to take the field against him, or at least would give permission to an English force to march through Flanders into the Palatinate. If within ten days after this resolution was laid before Philip, he had not given a favourable answer under his hand and seal, Bristol [*i.e.* Digby] *was to leave Madrid at once, and to declare the marriage treaty broken off.*"[1]

A letter from Gondomar, received a few weeks after, full of promises that all obstacles to the match would soon be removed, made no change in the opinions of the Council; and had this ad-

[1] Gardiner, vol. ii. p. 256.

vice been fairly acted upon, the Spanish game would have been then at an end. For this, however, the King was not yet prepared. Bristol was directed to make the *demand*, but in case of an unsatisfactory reply, instead of coming away at once he was to wait for further instructions. This spoiled the effect, and left room for the Prince's visit to Madrid; which, though in many ways mischievous, had this good effect, that it brought the King over at last to the views of the Council; which were already in harmony with the feelings of the nation; and thus gave a fresh chance of united action between the Government and the House of Commons. Before the new Parliament was called, the marriage treaty had been finally broken off. By which party it had been broken off is a matter of dispute, but of no consequence. Both were glad to be rid of it after they found that the advantages which each had expected from it were not to be had by either: and it remained merely for each to put the other as much in the wrong, according to the rules of diplomatic morality, as possible. But the point upon which it really was broken off was this. James had all along been made to believe that the marriage would carry with it the assistance of Spain to recover the Palatinate. But he had believed it on Gondomar's word, which he assumed to be as good as his own, and had exacted no formal or explicit engagement. As the time of performance came nearer, while the preparations for performance showed no advance, he began to doubt, and desired better security. And as soon as the Prince was safe in England again, he sent instructions to Bristol not to proceed further with the ceremonies preceding the marriage, until he had received a promise under the King of Spain's hand to help, "with his arms, if mediation failed," to restore Frederick to his honours and inheritances.[1] This made it necessary to postpone the proxy-marriage beyond the time prefixed; and involved a breach of contract which Philip immediately took advantage of to postpone it indefinitely. I say 'took advantage,' because if he had not wished to break the marriage treaty off there was nothing whatever to prevent him from consenting to the delay. But the truth was that he did wish to break it off, and was glad of an opportunity to do it handsomely. Even when he intended and desired the marriage, he never intended to quarrel with the Emperor about the Palatinate; and yet he had used language, or allowed language to be used, which was understood, and meant to be understood, as a promise that he would obtain its restitution. And since he found that there was no chance of converting the Prince, he had not desired the marriage at all: and yet he had pledged himself to conclude it.

[1] Gardiner, vol. ii. p. 439.

The postponement of the proxy ceremony at the instance of the other party beyond the time agreed upon, gave him an opportunity of getting rid of both obligations, without laying himself open to a charge of bad faith; and he did not let it slip. Upon the first intimation that the ceremony must be postponed, "the temporary gallery along which the Infanta was to have walked to the church in which the ceremony was to be performed was dismantled and removed. She herself ceased to be addressed by the title of Princess of England. The Prince's letters were no longer allowed to reach her. Her English grammars and dictionaries were restored to the shelf. The marriage was considered as indefinitely postponed."[1] All which was natural and judicious, if the King of Spain's object was to be freed from the engagement; but not otherwise. For what would have been lost by the mere postponement of the proxy-marriage, except the days during which it lasted? The parties were young enough. A few weeks' delay would not have made less desirable a marriage which was otherwise to be desired.

Regarded as a mere game of diplomacy the older and more experienced players had the best of it, as might have been expected. From the time that the Prince and Buckingham arrived in Madrid, the King lost all control over the negotiation; he could only make good their doings. Bristol was in effect, though not formally, superseded; and the Prince himself, without putting himself under anybody's guidance or giving to anybody his full confidence, appears to have become the principal actor. It is no wonder therefore that mistakes were made and advantages given and opportunities thrown away. Fortunately the great mistake of all—which would have been the conclusion of the match without any of the good it promised,—was (however unhandsomely) avoided. The negotiation was at an end, and the politicians of the time were not curious to criticise the manner in which the end was brought about. They were content to believe that Spain had been playing false and had been found out. Both the Prince and Buckingham were received with acclamations, as the saviours of the country. And the King being at last fairly delivered from the Spanish alliance, having no further hope to compass his ends by negotiation, and being prepared to sanction warlike measures, could now (as it seemed) go the same way with his people, and count on the cordial concurrence and support of a new House of Commons. The experience of the last House being available for the next, they would know not only what they wanted but also how much they must be prepared to pay for it: (for it could not be less than what had been announced as

[1] Gardiner, vol. ii. p. 446.

necessary in 1622): and there seemed to be no danger of any misunderstanding, provided disputes were not allowed to arise about abstract rights and constitutional doctrine. If their *right* to debate questions of peace and war were disputed, there would be no harmony. But that danger was happily avoided by an announcement from the King himself, that the principal cause of his calling this Parliament was "for their advice whether he should proceed any further in his treaties with Spain about the match for the Prince or concerning the restitution of the Palatinate:"[1] that Buckingham would explain to both Houses the history of the negotiation and the present state of our relations with Spain, and they were to consider *super totam materiam* what was best to be done. The most patriotic member could hardly extract out of that an occasion to insist upon the right of advising without invitation or permission.

The story was told accordingly on the 24th of February: and with a view to the debate which was to follow, Bacon (to whom the turn of affairs must have been very welcome, this being the sort of accident which he had long looked forward to as the likeliest to rectify the relations between the King and people) drew up a sketch of a speech, containing the advice which he wished to be given to the House of Commons on this occasion, and which might have been spoken in the debate on the 1st of March, 1623–4.

NOTES OF A SPEECH CONCERNING A WAR WITH SPAIN.[2]

That ye conceive there will be little difference in opinion but that all will advise the King not to entertain further a treaty wherein he hath been so manifestly and so long deluded.

That the difficulty therefore will be in the consequences thereof. For to the breach of treaty doth necessarily succeed a despair of recovering the Palatinate by treaty: and so the business falleth upon a war. And to that you will apply your speech as being the point of importance and besides most agreeable to your profession and place.

To a war (such as may promise success) there are three things required: a just Quarrel; sufficient Forces and Provisions; and a prudent and politic choice of the Designs and Actions whereby the war shall be managed.

[1] 19 Feb. 1623–4. Commons' Journals, p. 670.

[2] Harl. MSS. 7021, f. 181. Copy by one of Bacon's scribes. Docketed by himself, "notes of a speach touching the warr."

For the Quarrel. There cannot be a more just quarrel by the laws both of nature and nations than for the recovery of the ancient patrimony of the King's children gotten from them by an usurping sword and an insidious treaty.

But further, that the war well considered is not for the Palatinate only but for England and Scotland. For if we stay till the Low-Countrymen be ruined and the party of the papists within the realm be grown too strong, England Scotland and Ireland are at the stake.

Neither doth it concern the State only but our Church. Other kings papists content themselves to maintain their religion in their own dominions. But the kings of Spain run a course to make themselves protectors of the popish religion even amongst the subjects of other kings. Almost like the Ottomans that profess to plant the law of Mahomet by the sword; and so the Spaniards do of the Pope's law. And therefore if either the King's blood or our own blood or Christ's blood be dear unto us, the quarrel is just, and to be embraced.

For the point of sufficient Forces. The balancing of the forces of these kingdoms and their allies with Spain and their allies you know to be a matter of great and weighty consideration. But yet to weigh them in a common understanding, for your part you are of opinion that Spain is no such giant; or if he be a giant, it will be but like Goliah and David; for God will be on our side.

But to leave these spiritual considerations, you do not see in true discourse of State and War that we ought to doubt to be overmatched. To this opinion you are led by two things which lead all men; by Experience and by Reason.

For Experience. You do not find that for this age (take it for 100 years), there was ever any encounter between Spanish and English of importance either by sea or land but the English came off with the honour; witness the Lammas day, the retreat of Gaunt, the battle of Newport, and some others. But there have been some actions both by sea and land so memorable as scarce suffer the less to be spoken of. By sea, that of eighty-eight, when the Spaniards putting themselves most upon their stirrups sent forth that invincible Armada which should have swallowed up England quick. The success whereof was, that although that fleet swam like mountains upon our seas yet they

did not so much as take a cock-boat of ours at sea nor fire a cottage at land, but came through our channel and were driven as Sir Walter Raleigh says by squibs (fire-boats he means) from Calais, and were soundly beaten by our ships in fight, and many of them sunk, and finally durst not return the way they came, but made a scattered perambulation full of shipwracks by the Irish and Scottish seas to get home again; just according to the curse of the Scripture, that they came out against us one way and fled before us seven ways. By land, who can forget the two voyages made upon the continent itself of Spain; that of Lisbon and that of Cales. When in the former we knocked at the gates of the greatest city either of Spain or Portugal and came off without seeing an enemy to look upon us in the face. And though we failed in our foundation (for that Antonio whom we thought to replace in his kingdom found no party at all); yet it was a true trial of the gentleness of Spain, which suffered us to go and come without any dispute. And for the latter, of Cales, it ended in victory; we ravished a principal city of wealth and strength in the high countries, sacked it, fired the Indian fleet that was in the port, and came home in triumph; and yet to this day were never put in suit for it, nor demanded reason for our doings. You ought not to forget the battle of Kinsale in Ireland, what time the Spanish forces were joined with the Irish (good soldiers as themselves or better) and exceeded us far in number, and yet they were soon defeated, and their general D'Avila taken prisoner, and that war by that battle quenched and ended.

And it is worthy to be noted how much our power in those days was inferior to our present state. Then; a lady; old; and owner only of England; intangled with the revolt of Ireland, and her confederates of Holland much weaker and in no conjuncture. Now; a famous King and strengthened with a Prince of singular expectation, and in the prime of his years; owner of the entire isle of Britain; enjoying Ireland populate and quiet, and infinitely more supported by confederates of the Low Countries, Denmark, divers of the princes of Germany, and others. As for the comparison of Spain as it was then and as it is now you will for good respects forbear to speak. Only you will say this, That Spain was then reputed to have the wisest counsel of Europe, and not a counsel that would come at the whistle of a favourite.

Another point of experience you would not speak of, if it were not that there is a wonderful erroneous observation walketh about contrary to all the true account of time; and it is, That the Spaniard where he once gets in will seldom or never be got out again (and they give it an ill-favoured simile which you will not name). But nothing is less true. They got footing at Brest and some other parts in Britaine, and quitted it. They had Calais, Ardes, Amiens, and were part beaten out and part they rendered. They had Vercelles in Savoy, and fairly left it. They had the other day the Valtoline, and now have put it in deposit. What they will do at Ormus we shall see. So that, to speak truly, of later times they have rather poached and offered at a number of enterprises than maintained any constantly. And for Germany in more ancient time, their great emperor Charles after he had Germany almost in his fist was forced in the end to go from Isburgh as it were in a mask by torch-light and to quit every foot of his new acquests in Germany: which you hope likewise will be the hereditary issue of this late purchase of the Palatinate. And thus much for Experience.

For Reason. It hath many branches; you will but extract a few.

First; It is a nation thin sown of men, partly by reason of the sterility of their soil; and partly because their natives are exhaust by so many employments in such vast territories as they possess. So that it hath been counted a kind of miracle to see together ten or twelve thousand native Spaniards in an army. And although they have at this time great numbers of miscellany soldiers in their armies and garrisons, yet if there should be the misfortune of a battle they are ever long about it to draw on supplies. They tell a tale of a Spanish ambassador that was brought to see the treasury of St. Mark at Venice, and still he looked down to the ground; and being asked the reason, said he was looking to see whether the treasure had any root, so that if that were spent it would grow again, as his master's had. But howsoever it be of their treasure, certainly their forces have scarcely any root, or at least such a root as putteth forth very poorly and slowly; whereas there is not in the world again such a spring and seminary of military people as is England Scotland and Ireland; nor of seamen as is this island and the Low Countries. So as if the wars should mow them down, yet they suddenly may be supplied and come up again.

A second reason is (and it is the principal) that if we truly consider the greatness of Spain it consisteth chiefly in their treasure, and their treasure in their Indies and their Indies (both of them) is but an accession to such as are masters by sea. So as this axle-tree whereupon their greatness turns is soon cut a-two by any that shall be stronger than they at sea. So then you report yourself to their opinions, and the opinions of all men, enemies or whosoever; whether that the maritime forces of Britain and the Low Countries are not able to beat them at sea. For if that be, you see the chain is broken, from shipping to Indies, from Indies to treasure, and from treasure to greatness.

The third reason (which hath some affinity with this second) is a point comfortable to hear in the state that we now are. Wars are generally causes of poverty and consumption. The nature of this war, you are persuaded, will be matter of restorative and enriching. So that, if we go roundly on with supplies and provisions at the first, the war in continuance will find itself. That you do but point at this and will not enlarge it.

Lastly, That it is not a little to be considered that the greatness of Spain is not only distracted extremely and therefore of less force; but built upon no very sound foundations; and therefore they can have the less strength by any assured and confident confederates. With France they are in competition for Navarre, Milan, Naples, and the Franche County of Burgundy. With the see of Rome, for Naples also. For Portugal, with the right heirs of that line. For that they have in their Low Countries, with the United Provinces. For Ormus (now) with Persia. For Valencia with the Moors expulsed and their confederates. For the East and West Indies with all the world. So that if every bird had his feather Spain would be left wonderful naked. But yet there is a greater confederation against them than by means of any of these quarrels or titles; and that is contracted by the fear that almost all nations have of their ambition, whereof men see no end. And thus much for the balancing of their Forces.

For the last point, which is the choice of the Designs and Enterprises, in which to conduct the war, you will not now speak. Because you should be forced to descend to divers particulars whereof some are of a more open and some of a more secret nature. But that you would move the House to make a selected

committee for that purpose. Not to estrange the House in any sort but to prepare things for them, giving them power and commission to call before them and to confer with any martial men or others that are not of the House that they shall think fit, for their advice and information. And so to give an account of the business to a general committee of the whole House.

These notes are described by Robert Stephens, who first printed them, as "heads for a speech in Parliament to be made by Sir Edward Sackville, afterwards Earl of Dorset."[1] If so, they cannot have been used: for his name is nowhere mentioned either in the list of members of this Parliament or in the journals. It may be however that he had intended to stand, and been prevented by the state of his brother's health, who died on the 28th of March, leaving him heir to the Earldom; and so the notes may have been drawn up as a memorial of what Bacon wished him to say, though he had not the opportunity of saying it.[2]

The issue of the debate for which the speech was intended—a debate corresponding to what we should now call the debate on the address—was satisfactory enough. The Commons were all eager to advise the King to proceed no further with either treaty. And though the King—partly from the irresolution of age and growing infirmity, partly from unreadiness to embrace an action so foreign to all his tastes and habits and for which he had no heart, and partly from a not unreasonable caution which former trials had taught him—was shy of committing himself to a war without being sure of means to carry it on, and stood upon conditions to which the Commons on their part were shy of yielding; he was induced at last, upon a vote of three subsidies and three fifteenths payable within one year from the day when the treaties should be declared at an end, to make the requisite declaration. The announcement of which was followed by bonfires and rejoicings, which the King disapproved, as

[1] Second collection, p. xxviii. In Stephens's catalogue I find an entry of a letter from Bacon to the Earl of Dorset, dated 15 Feb. 1623, beginning, "I understand;" and containing "Thanks for some favours received." This letter may have had some reference to these heads for a speech, and Tenison, or Sancroft, or whoever saw it, may have left a note of the fact.

Two other entries in the same catalogue, also representing letters which have disappeared, belong to this period: both addressed to the Lord Treasurer: one dated 9 Feb. 1623, beginning, "A long and wasting;" contents, "Touching a suit to the King:" the other dated 25 Feb. 1623, beginning, "I humbly thank your Lordship;" contents, "About a certificate."

[2] I am informed by Mr. Gardiner that Sackville was in Italy at the time of the meeting of this Parliament, and returned through France at the end of May, 1624; see Hacket, ii. 104, and Cotton's Peerage, ii. 158.

being a triumph before a victory, but with which Bacon sympathised so heartily that he is said to have contributed on his own account four dozen faggots and twelve gallons of wine.[1]

6.

Bacon's personal opinion as to the policy of the Spanish alliance may be best inferred from his 'Short view to be taken of Great Britain and Spain,' printed in the second chapter of this volume. It was an opinion upon which he had never till now been able to urge action, even as a Councillor; for since he was in a position to offer advice there had never till now been a time when existing engagements did not interfere, and make such action impracticable or unjustifiable. The declaration that the treaties were at an end cleared the field at last, and left the course open for a more popular policy: and hence no doubt his sympathy with the manifestations of public satisfaction.

But this was only the clearing of the board for a new game. The debates in the Commons which showed so much eagerness to begin it, contained no evidence of a knowledge of the conditions, or how it was to be played. A war of some kind it was to be: but of what kind, and for what object, and on what ground, were questions on which opinions differed. If it was to be an offensive war *for the recovery of the Palatinate*, as was generally supposed[2]—(the only offensive war for which there was any colour)—they knew how many subsidies it would require. In February, 1620-1, the last House had been officially informed by the Secretary of State that an army sufficient for the recovery of the Palatinate could not be sent out and kept in a state of efficiency for less than 500,000*l.* a year: and in the following November, when upon the failure of the negotiations the state of things was explained to them by Digby, they were told that the force required for the work they wanted would cost 900,000*l.*:[3] an estimate agreeing much more nearly with the detailed calculations of the Council of War, and therefore presumably much nearer the truth. But however that might be, it was the last official information upon the subject which they had received from those who had the means of knowing. Now 900,000*l.* was more than seven subsidies and fourteen fifteenths would yield. And yet now, when in answer to their request for the dissolution of the treaties

[1] S. P. vol. 161, no. 30. "For which," adds the writer, "he went on the score, some say."

[2] "The people are overjoyed at a war to recover the Queen [of Bohemia's] patrimony and are prepared to sacrifice life and fortune in it." Sir Rich. Harrison to Lady Carleton, 27 March, 1624. (S. P. vol. clxi. no. 47. Calendar).

[3] Gardiner, vol. i. p. 400.

and their promise of support "in a Parliamentary way," the King told them that the support of a war with Spain would require a grant of six subsidies and twelve fifteenths, they were quite unprepared for such a demand: and towards the close of a long debate upon the answer to be given, Coke himself,—after remarking that this would "come to 900,000*l.*" (the exact figure, by the way, at which Digby had set it in November, 1621), which was more, he said, than all England could supply[1]—proposed to bring the cost within the limits of "conveniency," not by reducing the scale or altering the plan and aim of the expected war (for the recovery of the Palatinate was, by him at least, expressly included in the work to be done), but simply by postponing the provision for two-thirds of it.

"Divide this sum into three parts. 300,000*l.* for the present. . . . . So many subsidies as shall amount to 300,000*l.* . . . . By this means we shall get enough to serve for the present."[2]

He meant, I presume, that they would provide for the other two-thirds when they were wanted. But who could say what, or on what conditions, they would be disposed to provide when they next met? For the recovery of the Palatinate does not appear to have been thought an object of such prime importance by the members of the House as it was in the country and by the Government. There were those among them who did not consider it either as the special aim or as a necessary part of the proposed war.[3] With some of them the breach with Spain and alliance with the United Provinces was enough in itself: and as in that case it would only be necessary to put England into a state of defence, the 300,000*l.* might be thought by them to be sufficient not only for the present, but altogether. Of general promises that they would on some future occasion place all they had at the disposal of the Government, the Government had had enough from the last House. And in this case there were particular indications to suggest caution. We do not know what was said in the committee of the whole House to which the question was referred. But we know the result of the debate, and that the motion came out with a significant amendment. Coke's proposition was to give 300,000*l.* "for the present," specifying that it was for

[1] "All England not so much as to give 6 subsidies and 12 fifteens, come to 900,000*l.*, almost a million." C. J. 19 March, 1623–4, p. 743.

[2] Id. ibid.

[3] "*Sir Fra. Seymour:* Hears wars spoken on and an army, but would be glad to hear where. The Palatinate the place intended by his Majesty. This we never thought of, nor fit for the consideration of this House, in regard of the infinite charge." Id. p. 741.

five things:—1. The securing of Ireland. 2. The defence of our own coasts. 3. Preparation of our navy. 4. To join with the Low Countries and assist them. 5. *The recovery of the Palatinate.* "These things the work: to specify our gifts to be for these." The resolution of the Committee was to grant "for the present, towards the support of the war which was likely to ensue, and more particularly those *four* points proposed by his Majesty, namely the defence of this realm, the securing of Ireland, the assistance of our neighbours the States of the United Provinces and other his Majesty's friends and allies, and the setting out of his Majesty's royal navy" (the fifth point—the recovery of the Palatinate—being entirely omitted), "three subsidies and three fifteens, to be levied in such manner," etc. Nor was the omission undesigned. How far it expressed the sense of a majority of the House we cannot tell. It may have been suggested by some more acute member, who perceiving the incongruity of providing 300,000*l.* for a service which they were told would require 900,000*l.*, moved the omission of the words which made it conspicuous; and the House may have agreed, without meaning to abandon the Palatinate. But it had its effect: and it was appealed to the next year as a proof that the House was not bound to contribute anything more on that account. In a debate in the Oxford Parliament (5 August, 1625), Mr. Alford gave it as his opinion "that they were not engaged to give for the recovery of the Palatinate: for when it was in the Act of Parliament, as it was first framed, it was strucken out by order of the House, as a thing unfit to engage the House for the recovery of the Palatinate; and if possible, yet not without great charge and difficulty."[1]

However that may have been, one thing is evident: that there was no clear general understanding as to the nature and objects of the war on which they were entering; and that however the Government conducted it, they would be in danger of meeting with contrary currents of opinion which might leave them short of supplies in some critical conjuncture. The Prince said that "the King's sword was a long one: when it was once out it would not easily go in again." But he could not have said that his purse was a long one, or that when war was once declared the sinews of it might not easily fail. The danger was that—the practical control of affairs being now in the hands of young and inexperienced men who were eager to begin and saw no difficulties (for the King though retaining his judgment had lost his authority)—they would rush blindly into the enterprise without pausing to consider what was to be done, or what conditions

[1] Commons' Debates in 1625. Camden Society. Append. p. 135.

were necessary to make it successful. And it was probably from observing or apprehending this that Bacon, whose "notes for a speech" seemed to have been aimed rather to meet objections drawn from the danger and difficulty of the undertaking, was induced to take them in hand again; and, laying his other studies by for the time, to enlarge them into a full discussion of the whole question, and present it to the Prince.

The two first divisions of this treatise were printed as a separate pamphlet in 1629—a "corrupt and surreptitious edition" according to Dr. Rawley—and again the same year by Rawley himself in the volume entitled 'Certain Miscellany Works of the Right Honourable Francis Lo. Verulam Viscount S. Alban.' But the third, which related to "the choice of designs and enterprises," being for obvious reasons unfit to be made public at that time, was omitted, and has never appeared in print. Among the Harleian MSS. in the British Museum, however, there is a copy of the entire treatise, including the last division: and from that it is here printed.

Considerations touching a War with Spain. To the Prince.[1]

Your Highness hath an imperial name. It was a Charles that brought the empire first into France; a Charles that brought it first into Spain; why should not Great Britain have his turn? But to lay aside all that may seem to have a shew of fumes and fancies, and to speak solids: A war with Spain (if the King shall enter into it) is a mighty work; it requireth strong materials and active motions. He that saith not so is zealous, but not according to knowledge. But nevertheless Spain is no such giant: and he that thinketh Spain to be some great overmatch for this estate (assisted as it is, and may be) is no good mintman, but takes greatness of kingdoms according to their bulk and currency and not after their intrinsic value. Although therefore I had wholly sequestered my thoughts from civil affairs, yet because it is a new case and concerneth my country infinitely, I obtained of myself to set down (out of long-continued experience in business of estate, and much conversation in books of policy and history) what I thought pertinent to this business; and in all humbleness present[2] it to your Highness: hoping

[1] Miscellany Works, published by Rawley, 1629 (R). Harl. MSS. 37, f. 2 (A). Do. 2232, f. 38 (B).

[2] to present: A.B.

that at least you will discern the strength of my affection through the weakness of my abilities: for the Spaniard hath a good proverb, *Desuario siempre con la calentura; there is no heat of affection, but is joined with some idleness of brain.*

To a war are required; a just quarrel; sufficient forces and provisions; and a prudent choice of the designs. So then I will first justify the quarrel; secondly, balance the forces; and lastly, propound variety of designs for choice, but not advise the choice; for that were not fit for a writing of this nature; neither is it a subject within the level of my judgment; I being, in effect, a stranger to the present occurrences.[1]

Wars (I speak not of ambitious predatory wars) are suits of appeal to the tribunal of God's justice, where[2] there are no superiors on earth to determine the cause: and they are (as civil pleas are) plaints or defences. There are therefore three just grounds of war with Spain: one upon a plaint,[3] two upon defence. Salomon saith, *a cord of three is not easily broken:* but especially when every of the lines will hold single by itself. They are these. The recovery of the Palatinate. A just fear of the subversion of our civil estate. A just fear of the subversion our of Church and religion. For in the handling of the two last grounds of war, I shall make it plain that wars preventive upon just fears are true defensives, as well as upon actual invasions: and again, that wars defensive for religion (I speak not of rebellions)[4] are most just; though offensive wars for religion are seldom to be approved, or never, unless they have some mixture of civil titles. But all that I shall say in this whole argument will be but like bottoms of thread close wound up, which with a good needle (perhaps) may be flourished into large works.

For the asserting of the justice of the quarrel for the recovery of the Palatinate, I shall not go so high as to discuss the right of the war of Bohemia; which if it be freed from doubt on our part, then there is no colour nor shadow why the Palatinate should be retained; the ravishing whereof was a mere

[1] occurrents: B.
[2] when: B.
[3] So B. R. has "one plaint."
[4] rebellion: B.

excursion of the first wrong, and a super-injustice. But I do not take myself to be so perfect in the customs, records,[1] transactions, and privileges of that Kingdom of Bohemia, as to be fit to handle that part: and I will not offer at that I cannot master. Yet this I will say (in passage) positively and resolutely; that it is impossible and repugnant in itself that[2] an elective monarchy should be so free and absolute as an hereditary; no more than it is possible for a father to have so full power and interest in an adoptive son as in a natural; *quia naturalis obligatio fortior civili.* And again, that received maxim is almost unshaken and infallible; *Nil magis naturæ consentaneum est, quam ut iisdem modis res dissolvantur, quibus constituuntur.* So that if the part of the people or estate be somewhat in the election, you cannot make them nulls or ciphers in the privation or translation. And if it be said that this is a dangerous opinion for the Pope, Emperor, and all[3] Elective Kings; it is true it is a dangerous opinion, and ought to be a dangerous opinion, to all[4] such personal Popes, Emperors, or Elective Kings, as shall transcend their limits and become tyrannical. But it is a safe and sound opinion for their sees, empires, and kingdoms; and for themselves also, if they be wise; *plenitudo potestatis est plenitudo tempestatis.* But the chief cause why I do not search into this point is because I need it not. And in handling the right of a war, I am not willing to intermix matter doubtful with that which is out of doubt. For as in capital causes, wherein but one man's life is in question, *in favorem vitæ* the evidence ought to be clear; so much more in a judgment upon[5] a war, which is capital to thousands. I suppose therefore the worst; that the offensive war upon Bohemia had been unjust; and then make the case; which is no sooner made than resolved, if it be made, not enwrapped, but plainly and perspicuously. It is this *in thesi.* An offensive war is made, which is unjust in the aggressor; the prosecution and race of the war carrieth the defendant to assail and invade the ancient and indubitate patrimony of the first aggressor, who is now turned defendant; shall he sit down, and not put himself in defence? Or if he be dispossessed, shall he not make a war for the recovery? No man

[1] So A. & B. R. omits 'records.'
[2] So A. & B. R. omits "and—that."
[3] So B. R. & A omit 'all.'
[4] So A. R. & B. omit 'all.'
[5] So R. & A. B. has 'of.'

is so poor of judgment as will affirm it. The castle of Cadmus was taken, and the city of Thebes itself invested by Phœbidas the Lacedæmonian, insidiously, and in violation of league: the process of this action drew on a re-surprise of the castle by the Thebans, a recovery of the town, and a current of the war even unto the walls of Sparta. I demand, was the defence of the city of Sparta, and the expulsion of the Thebans out of the ancient[1] Laconian territories, unjust? The sharing of that part of the duchy of Milan which lieth upon the river of Adda by the Venetians upon contract with the French, was an ambitious and unjust purchase. This wheel set on going did pour a war upon the Venetians with such a tempest, as Padua and Trevigi were taken from them, and all their dominions upon the continent of Italy abandoned, and they confined within the salt waters. Will any man say, that the memorable recovery and defence of Padua (when the gentlemen of Venice, unused to the wars, out of the love of their country, became brave and martial the first day), and so likewise the re-adeption of Trevigi and the rest of their dominions, was matter of scruple, whether just or no, because it had source from a quarrel ill begun? The war of the Duke of Urbin, nephew to Pope Julius the Second, when he made himself head of the Spanish mutineers,[2] was as unjust as unjust mought be; a support of desperate rebels; an invasion of St. Peter's patrimony, and what you will. The race of this war fell upon the loss of Urbin itself, which was the Duke's undoubted right; yet in this case no penitentiary (though he had enjoined him never so strait penance to expiate his first offence) would have counselled him to have given over the pursuit of his right for Urbin; which after he prosperously re-obtained, and hath transmitted to his family yet until this day. Nothing more unjust than the invasion of the Spanish Armada in 88 upon our seas (for our land was holy land to them, they mought not touch it); shall I say therefore that the defence of Lisbon, or Cales, afterward, was unjust? There be thousands of examples; *utor in re non dubia exemplis non necessariis:* the reason is plain; Wars are *vindictæ*, revenges, reparations. But revenges are not infinite, but according to the measure of the first wrong or damage. And therefore when a voluntary offensive war by the design or fortune of the war is turned to a

[1] So A. & B. R. omits 'ancient.'

[2] Spelt 'mutiniers' in R.

necessary defensive war, the scene of the tragedy is changed, and it is a new act to begin. For the particular actions of war, though they[1] are complicate in fact, yet they are seperate and distinct in right: like to cross suits in civil pleas, which are sometimes both just. But this is so clear, as needeth no[2] further to be insisted upon. And yet if in things so clear it were fit to speak of more or less clear, in our present cause[3] it is the more clear on our part, because the possession of Bohemia is settled with the Emperor. For though it be true that *non datur compensatio injuriarum*, yet were there somewhat more colour to detain the Palatinate, as in the nature of a recovery in value or compensation, if Bohemia had been lost, or were still the stage of the war. Of this therefore I speak no more. As for the title of proscription or forfeiture, wherein the Emperor (upon the matter) hath been judge and party, and hath justiced himself, God forbid but that it should well endure an appeal to a war. For certainly the Court of Heaven (I take it)[4] is as well a Chancery to save and debar forfeitures, as a Court of Common Law to decide rights; and there would be work enough in Germany, Italy, and other parts, if imperial forfeitures should go for good titles.

Thus much for the first ground of war with Spain, being in the nature of a plaint for the recovery of the Palatinate: omitting here that which mought be the seed of a larger discourse, and is verified by a number of examples; which is,[5] that whatsoever is gained by an abusive treaty ought to be restored *in integrum*. As we see the daily experience of this in civil pleas: for the images of great things are best seen contracted into small glasses: we see (I say) that all Pretorian Courts, if any of the parties be entertained or laid asleep under pretence of an[6] arbitrament or accord, and that the other party during that time doth cautelously get the start and advantage at Common Law, though it be to judgment and execution; yet the Pretorian Court will set back all things *in statu quo prius*, no respect had to such eviction or dispossession. Lastly, let there be no mistaking, as if when I speak of a war for the recovery of the Palatinate I meant that it must be *in linea recta*, upon that place: for look

[1] In R. "though they" is misplaced after 'For.' [2] not: B.
[3] case: A. B. [4] So A. and B. R. omits the words with in parenthesis.
[5] So A. & B. R. omits 'which is.' [6] So B. R. omits 'an.'

into *jus fœciale*, and all examples, and it will be found to be without scruple, that after a legation *ad res repetendas*, and a refusal, and a denunciation or indiction of a war, the war is no more confined to the place of the quarrel, but is left at large and to choice (as to the particular conducing designs), as opportunities and advantages shall invite.

To proceed therefore to the second ground of a war with Spain, we have set it down to be *a just fear of the subversion of our civil estate*. So then, the war is not for the Palatinate only, but for England, Scotland, Ireland, our King, our Prince, our Nation, all that we have. Wherein two things are to be proved: The one, that a just fear (without an actual invasion or offence) is a sufficient ground of a war, and in the nature of a true defensive: The other, that we have towards Spain cause of just fear; I say, just fear: for as the civilians do well define, that the legal fear is *justus metus qui cadit in constantem virum* in private causes: so there is *justus metus qui cadit in constantem senatum, in causa publica*; not out of umbrages, light jealousies, apprehensions afar off, but out of clear foresight of imminent danger.

Concerning the former proposition, it is good to hear what time saith. Thucydides, in his inducement to his story of the great war of Peloponnesus, sets down in plain terms, that the true cause of that war was *the overgrowing greatness of the Athenians, and the fear that the Lacedæmonians stood in thereby*; and doth not doubt to call it *a necessity imposed upon the Lacedæmonians of a war*; which are the very[1] words of a mere defensive: adding, that the other causes were but specious and popular. *Verissimam quidem, sed minime sermone celebratam, arbitror extitisse belli causam, Athenienses; magnos effectos et Lacedæmoniis formidolosos, necessitatem illis imposuisse bellandi: quæ autem propalam ferebantur utrinque causæ, istæ fuerunt, etc.* "The truest cause of this war, though least voiced, I conceive to have been this; that the Athenians, being grown great, to the terror of the Lacedæmonians, did impose upon them a necessity of a war: but the causes that went abroad in speech were these," etc.

Sulpitius Galba, consul, when he persuaded the Romans to a preventive war with the latter Philip King of Macedon, in regard

[1] So A. & B. R. omits 'very.'

of the great preparations which Philip had then on foot, and his designs to ruin some of the confederates of the Romans, confidently saith, that they who took that for an offensive war understood not the state of the question. *Ignorare videmini mihi, Quirites, non utrum bellum an pacem habeatis vos consuli (neque enim liberum id vobis permittet Philippus, qui terra marique ingens bellum molitur), sed utrum in Macedoniam legiones transportetis, an hostem in Italiam recipiatis.* "Ye seem to me (ye Romans) not to understand, that the consultation before you is not, whether you shall have war or peace (for Philip will take order you shall be no choosers, who prepareth a mighty war both by land and sea), but whether you shall transport the war into Macedon, or receive it into Italy."

Antiochus, when he incited Prusias King of Bithynia (at that time in league with the Romans) to join with him in war against them, setteth before him a just fear of the overspreading greatness of the Romans, comparing it to a fire that continually took, and spread from kingdom to kingdom: *Venire Romanos ad omnia regna tollenda, ut nullum usquam orbis terrarum nisi Romanum imperium esset; Philippum et Nabin expugnatos, se tertium peti; ut quisque proximus ab oppresso sit, per omnes velut continens incendium pervasurum.* "That the Romans came to pull down all kingdoms, and to make the state of Rome an universal monarchy; that Philip and Nabis were already ruinated,[1] and now was his turn to be assailed: so that as every state lay next to the other that was oppressed, so the fire perpetually grazed." Wherein it is well to be noted, that towards ambitious states (which are noted to aspire to great monarchies and to seek upon all occasions to enlarge their dominions) *crescunt argumenta justi metus;* all particular fears do grow and multiply out of the contemplation of the general courses and practice[2] of such states.

Therefore in deliberations of war against the Turk, it hath been often, with great judgment, maintained, that Christian princes and states have always a sufficient ground of invasive war against the enemy: not for cause of religion, but upon a just fear; forasmuch as it is a fundamental law in the Turkish empire that they may (without any other provocation) make war upon Christendom for the propagation of their law; so that

[1] Ruined: A. B. [2] Practices: B.

there lieth upon the Christians a perpetual fear of a war (hanging over their heads) from them; and therefore they may at all times (as they think good) be upon the prevention.

Demosthenes exposeth to scorn wars which are not preventive, comparing those that make them to country fellows in a fence-school, that never ward till the blow be past: *Ut barbari pugiles dimicare solent, ita vos bellum geritis cum Philippo. Ex his enim is qui ictus est, ictui semper inhæret: quod si eum alibi verberes, illo manus transfert; ictum autem depellere, aut prospicere, neque scit neque vult.* "As country fellows use to do when they play at wasters, such a kind of war do you (Athenians) make with Philip; for with them he that gets a blow straight falleth to ward when the blow is passed; and if you strike him in another place, thither goes his hand likewise: but to put by, or foresee a blow, they neither have the skill nor the will."

Clinias the Candian (in Plato) speaks desperately and wildly, as if there were no such thing as peace between nations; but that every nation expects but his advantage to war upon another. But yet in that excess of speech there is thus much that may have a civil construction; namely, that every state ought to stand upon his guard, and rather prevent than be prevented. His words are *Quam rem fere vocant pacem, nudum et inane nomen est; revera autem omnibus adversus omnes civitates bellum sempiternum perdurat.* "That which men for the most part call peace, is but a naked and empty name; but the truth is, that there is ever between all estates a secret war." I know well this speech is the objection and not the decision, and that it is after refuted; but yet (as I said before) it bears thus much of truth, that if that general malignity and predisposition to war (which he untruly figureth to be in all nations) be produced and extended to a just fear of being oppressed, then it is no more a true peace, but a name of a peace.

As for the opinion of Iphicrates the Athenian, it demands not so much towards a war as a just fear, but rather cometh near the opinion of Clinias; as if there were ever amongst nations a brooding of a war, and that there is no sure league but impuissance to do hurt. For he, in the treaty of peace with the Lacedæmonians, speaketh plain language; telling them, there could be no true and secure peace, except the Lacedæmonians yielded to those things, which being granted, it would be no longer in

their power to hurt the Athenians, though they would. And to say truth, if one mark it well, this was in all memory the main piece of wisdom in strong and prudent counsels, to be in perpetual watch that the states about them should neither by approach nor by increase of dominion, nor by ruining confederates, nor by blocking of trade, nor by any the like means, have it in their power to hurt or annoy the states they serve: and whensoever any such cause did but appear, straightways to buy it out with a war, and never to take up peace at credit and upon interest. It is so memorable, as it is yet as[1] fresh as if it was done yesterday, how that triumvirate of kings, Henry the eighth of England, Francis the first of France, and Charles the fifth, Emperor and king of Spain, were in their times so provident, as scarce a palm of ground could be gotten by either of the three, but that the other two would be sure to do their best to set the balance of Europe upright again. And the like diligence was used in the age before by that league (wherewith Guicciardine beginneth his story, and maketh it, as it were, the calendar of the good days of Italy), which was contracted between Ferdinando King of Naples, Lorenzo of Medici Potentate of Florence, and Lodovico Sforza Duke of Milan, designed chiefly against the growing power of the Venetians; but yet so, as the confederates had a perpetual eye one upon another, that none of them should overtop.

To conclude therefore; howsoever some schoolmen (otherwise reverend men, yet fitter to guide penknives than swords) seem precisely to stand upon it, that every offensive war must be *ultio*; a revenge, that presupposeth a precedent assault or injury; yet neither do they descend to this point (which we now handle) of a just fear; neither are they of authority to judge this question against all the precedents of time. For certainly, as long as men are men (the sons, as the poets allude, of Prometheus, and not of Epimetheus) and as long as reason is reason, a just fear will be a just cause of a preventive war; but especially if it be part of the case that there be a nation that is manifestly detected to aspire to monarchy and new acquests, then other states (assuredly) cannot be justly accused for not staying for the first blow, or for not accepting[2] Polyphemus' courtesy, to be the last that shall be eaten up.

[1] A. and B. omit 'as.'

[2] Accepting of: A. B.

Nay, I observe further, that in that passage of Plato which I cited before, (and even in the *tenet* of that person that beareth the resolving part and not the objecting part), a just fear is justified for a cause of an invasive war, though the same fear proceed not from the fault of the foreign state to be assailed. For it is there insinuated, that if a State, out of the distemper of their own body, do fear sedition and intestine troubles to break out amongst themselves, they may discharge their own ill humours upon a foreign war for a cure. And this kind of cure was tendered by Jasper Coligni, Admiral of France, to Charles the ninth the French King, when by a vive and forcible persuasion he moved him to a war[1] upon Flanders, for the better extinguishment of the civil wars of France. But neither was that counsel prosperous; neither will I maintain that position; for I will never set politics against ethics; especially for that true ethics are but as a handmaid to divinity and religion. Surely St. Thomas (who had the largest heart of the school divines) bendeth chiefly his stile against the depraved passions which reign in making wars, speaking out of St. Augustine: *Nocendi cupiditas, ulciscendi crudelitas, implacatus et implacabilis animus, feritas rebellandi, libido dominandi, et si quæ sunt similia, hæc sunt quæ in bellis jure culpantur.* And the same St. Thomas in his own text, defining of the just causes of a war, doth leave it upon very general terms: *Requiritur ad bellum causa justa, ut scilicet illi, qui impugnantur, propter aliquam culpam impugnationem mereantur:* for *impugnatio culpæ* is a far more general word, than *ultio injuriæ.* And thus much for the first proposition of the second ground of a war with Spain; namely, that *a just fear is a just cause of a war;* and that *a preventive war is a true defensive.*

The second or minor proposition was this; that this kingdom hath cause of just fear of overthrow from Spain. Wherein it is true, that fears are ever seen in dimmer lights than facts. And on the other side, fears use (many times) to be represented in such an imaginary fashion, as they rather dazzle men's eyes than open them. And therefore I will speak in that manner which the subject requires; that is, probably, and moderately, and briefly. Neither will I deduce these fears to present occurrences;[2]

[1] Make a war: B.

[2] the present occurrents: B.

but point only at general grounds, leaving the rest to more secret counsels.

Is it nothing, that the crown of Spain hath enlarged the bounds thereof within these[1] last sixscore years much more than the Ottomans? I speak not of matches or unions, but of arms, occupations, invasions. Granada, Naples, Milan, Portugal, the East and West Indies; all these are actual additions to that crown and in possession.[2] They had a great mind[3] to French Britaine, the lower part of Picardy, and Piedmont; but they have let fall their bit. They have, at this day, such a hovering possession of the Valtoline, as an hobby hath over a lark: and the Palatinate is in their talons: so that[4] nothing is more manifest, than that this nation of Spain runs a race (still) of empire, when all other states of Christendom stand in effect at a stay. Look then a little further into the titles whereby they have acquired, and do now hold these new portions of their crown; and you will find them of so many varieties, and such natures (to speak with due respect) as may appear to be easily minted, and such as can hardly at any time be wanting. And therefore, so many new conquests and purchases, so many strokes of the larum bell of fear and awaking to other nations. And the facility of the titles, which hand-over-head have served their turn, doth ring the peal so much the sharper and the louder.

Shall we descend from their general disposition to enlarge their dominions, to their particular disposition and eye[5] of appetite which they have had towards us? They have now twice sought to impatronise themselves of this kingdom of England; once by marriage with Queen Mary; and the second time by conquest in 88, when their forces by sea and land were not inferior to those they have now. And at that time in 88, the counsel and design of Spain was by many advertisements revealed and laid open to be, that they found the war upon the Low Countries so churlish and longsome, as they grew then to a resolution, that as long as England stood in a state to succour those countries, they should but consume themselves in an endless war: and therefore there was no other way but to assail and depress England, which was as a back of steel to the Flemings. And who can warrant (I pray) that the same counsel and design

[1] So A. B. R. has 'this.'
[2] So B. R. omits the three last words.
[3] So B. R. has 'a mind.'
[4] as: B.
[5] *edge*: B.

will not return again? So as we are in a strange dilemma of danger: for if we suffer the Flemings to be ruined, they are our outwork, and we shall remain naked and dismantled: if we succour them strongly (as is fit) and set them upon their feet, and do not withal weaken Spain, we hazard to change the scene of the war, and to turn it upon Ireland or England: like unto rheums and defluxions, which if you apply a strong repercussive to the place affected, and do not take away the cause of the disease, will shift and fall straightways to another joint or place. They have also twice invaded Ireland; once under the Pope's banner, when they were defeated by the Lord Grey: and after in their own name, when they were defeated by the Lord Mountjoy. So as let this suffice for a taste of their disposition towards us. But it will be said, this is an almanack for the old year; since 88 all hath been well; Spain hath not assailed this kingdom, howsoever by two several invasions from us mightily provoked. It is true: but then consider, that immediately after 88, they were embroiled for a great time in the protection of the league of France, whereby they had their hands full; after, being brought extreme low by their vast and continual imbracements, they were enforced to be quiet that they might take breath, and do reparations upon their former wastes. But now of late things seem to come on apace to their former estate. Nay with far greater disadvantage to us. For now that they have almost continued and (as it were) arched their dominions from Milan, by the Valtoline and Palatinate, to the Low Countries; we see how they thirst and pant after the utter ruin of those states; having in contempt almost the German nation, and doubting little opposition except it come from England: whereby either we must suffer the Dutch to be ruined, to our own manifest prejudice; or put it upon the hazard I spake of before, that Spain will cast at the fairest. Neither is the point of internal danger which groweth upon us to be forgotten; this; that the party of the papists in England are become more knotted, both in dependence towards Spain and amongst themselves, than they have been. Wherein again comes to be remembered the case of 88: for then also it appeared by divers secret letters, that the design of Spain was (for some years before the invasion attempted) to prepare a party in this kingdom to adhere to the foreigner at his coming. And they bragged, that they doubted not but to abuse

and lay asleep the Queen and Council of England, as to have any fear of the party of papists here; for that they knew (they said) the state would but cast the eye and look about to see whether there were any eminent head of that party, under whom it might unite himself; and finding none worth the thinking on, the state would rest secure and take no apprehension: whereas they meant (they said) to take a course to deal with the people and particulars by reconcilements and confessions and secret promises, and cared not for any head of party. And this was the true reason, why after that the seminaries began to blossom and to make missions into England, (which was about the three and twentieth year of Queen Elizabeth, at what time also was the first suspicion of the Spanish invasion,) then and not before grew the sharp and severe laws to be made against the papists. And therefore the papists may do well to change their thanks; and whereas they thank Spain for their favours, to thank them for their perils and miseries if they should fall upon them: for that nothing ever made their case so ill as the doubt of the greatness of Spain, which adding reason of state to matter of conscience and religion, did whet the laws against them. And this case also seemeth (in some sort) to return again at this time, except the clemency of his Majesty and the state do superabound; as for my part I do wish it should; and that the proceedings towards them may rather tend to security and providence and point of state than to persecution for religion. But to conclude; these things, briefly touched, may serve, as in a subject conjectural and future, for to represent how just cause of fear this kingdom may have towards Spain: omitting (as I said before) all present and more secret occurrences.[1]

The third ground of a war with Spain, I have set down to be, *a just fear of the subversion of our Church and religion:* which needeth little speech. For if this war be a defensive (as I proved it to be), no man will doubt that a defensive war against a foreigner for religion is lawful. Of an offensive war there is more dispute. And yet in that instance of the war for the Holy Land and sepulchre, I do wonder sometimes that the schoolmen want words to defend that, which S. Bernard wanted words to commend. But I, that in this little extract of a

[1] occurrents: A. B.

treatise do omit things necessary, am not to handle things unnecessary. No man, I say, will doubt, but if the Pope or King of Spain would demand of us to forsake our religion upon pain of a war, it were as unjust a demand as the Persians made to the Grecians of land and water; or the Ammonites to the Israelites of their right eyes. And we see all the heathen did style their defensive wars, *pro aris et focis;* placing their altars before their hearths. So that it is in vain of this to speak further. Only this is true; that the fear of the subversion of our religion from Spain is the more just, for that all other Catholic princes and states content and contain themselves to maintain their religion within their own dominions, and meddle not with the subjects of other states; whereas the practice of Spain hath been, both in Charles the fifth's time in Germany[1] and in the time of the league in France by war,[2] and now with us by conditions of treaty, to intermeddle with foreign states, and to declare themselves protectors general of the party of catholics through the world. As if the crown of Spain had a little of this, that they would plant the Pope's law by arms, as the Ottomans do the law of Mahomet. Thus much concerning the first main point of justifying the quarrel, if the King shall enter into a war; for this that I have said, and all that followeth to be said, is but to shew what he may do.

The second main part of that I have propounded to speak of, is *the balance of forces between Spain and us.* And this also tendeth to no more, but what the King may do. For what he may do is of two kinds: what he may do as just; and what he may do as possible. Of the one I have already spoken; of the other I am now to speak. I said, Spain was no such giant; and yet if he were a giant, it will be but as it was between David and Goliah; for *God is on our side.* But to leave all arguments that are supernatural, and to speak in an human and politic sense, I am led to think that Spain is no overmatch for England, by that which leadeth all men; that is, experience and reason. And with experience I will begin, for there all reason beginneth.

Is it fortune (shall we think) that in all actions of war or arms, great and small, which have happened these many years,

[1] So A and B. R. omits "in Germany." [2] wars: B.

ever since Spain and England have had anything to debate one with the other, the English upon all encounters have perpetually come off with honour, and the better?[1] It is not fortune sure; she is not so constant. There is somewhat in the nation[2] and natural courage of the people, or some such thing. I will make a brief list of the particulars themselves in an historical truth, no ways strouted, nor made greater by language. This were a fit speech (you will say) for a general in the head of an army, when they were going to battle. Yes; and it is no less fit speech to be spoken in the head of a council, upon a deliberation of entrance into a war. Neither speak I this to disparage the Spanish nation, whom I take to be of the best soldiers in Europe. But that sorteth to our honour, if we still have had the better hand.

In the year 1578, was that famous Lammas Day, which buried the reputation of Don Jhuan d'Austria, himself not surviving long after. Don Jhuan being superior in forces, assisted by the Prince of Parma, Mondragon, Mansell, and other the best commanders of Spain, confident of victory, charged the army of the States near Rimenant, bravely and furiously at the first; but after a fight maintained by the space of a whole day, was repulsed and forced to a retreat, with great slaughter of his men; and the course of his further enterprises was wholly arrested; and this chiefly by the prowess and virtue of the English and Scottish troops, under the conduct of Sir John Norris and Sir Robert Stuart,[3] colonels. Which troops came to the army but the day before, harassed with a long and wearisome march; and (as it is left for a memorable circumstance in all stories) the soldiers being more sensible of a little heat of the sun than of any cold fear of death, cast away their armour and garments from them, and fought in their shirts: and, as it was generally conceived, had it not been that the Count of Bossu was slack in charging the Spaniards upon their retreat, this fight had sorted to an absolute defeat. But it was enough to chastise Don Jhuan for his insidious treaty of peace, wherewith ye had abused the States at his first coming. And the fortune of the day (besides the testimony of all stories) may be the better ascribed to the service of the English and Scottish, by comparison of this charge near Rimenant (where the English and Scottish in great numbers came

[1] with the better: A. B. [2] natures: B. [3] Steward: B.

in action) with the like charge given by Don Jhuan half a year before at Gemblours, where the success was contrary: there being at that time in the army but a handful of English and Scottish, and they put in disarray by the horsemen of their own fellows.

The first dart of war which was thrown from Spain or Rome upon the realm of Ireland, was in the year 1580. For the design of Stukely blew over into Afric; and the attempt of Saunders and Fitz-Maurice had a spice of madness. In that year Ireland was invaded by Spanish and Italian forces under the Pope's banner and the conduct of San Josepho, to the number of seven hundred or better, which landed at Smerwick in Kerry. A poor number it was to conquer Ireland to the Pope's use; for their design was no less: but withal they brought arms for five thousand men above their own company, intending to arm so many of the rebels of Ireland. And their purpose was, to fortify in some strong place of the wild and desolate country, and there to nestle till greater succours came; they being hastened unto this enterprise upon a special reason of state, not proper to the enterprise itself; which was, by the invasion of Ireland and the noise thereof to trouble the council of England, and to make a diversion of certain aids that then were preparing from hence for the Low Countries. They chose a place where they erected a fort, which they called the Fort del Or; and from thence they bolted like beasts of the forest, sometimes into the woods and fastnesses, and sometimes back again to their den. Soon after, siege was laid to the fort by the Lord Gray, then deputy, with a smaller number than those were within the fort; venturously indeed; but haste was made to attach them before the rebels came in to them. After the siege of four days only, and two or three sallies with loss on their part, they that should have made good the fort for some months, till new succours came from Spain, or at least from the rebels of Ireland, yielded up themselves without conditions at the end of those four days. And for that there were not in the English army enough to keep every man a prisoner; and for that also the Deputy expected instantly to be assailed by the rebels; and again there were no barks[1] to throw them into, and send them away by sea; they were all put to the sword; with which Queen Elizabeth was afterwards much displeased.

[1] was no bark: B.

In the year 1582, was that memorable Retreat of Gaunt; than the which there hath not been an exploit of war more celebrated. For in the true judgment of men of war, honourable retreats are no ways inferior to brave charges; as having less of fortune, more of discipline, and as much of valour. There were to the number of three hundred horse and as many thousand foot English (commanded by Sir John Norris) charged upon advantage taken[1] by the Prince of Parma, coming upon them with seven thousand horse; besides that the whole army of Spaniards were ready to march on. Nevertheless Sir John Norris maintained a retreat without disarray by the space of some miles (part of the way champagne)[2] unto the city of Gaunt, with less loss of men than the enemy: the Duke of Anjou and the Prince of Orange beholding this noble action from the walls of Gaunt, as in a theatre, with great admiration.

In the year 1585, followed the prosperous expedition of Drake and Carlile into the West Indies. In the which I set aside the taking of St. Iago and St. Domingo in Hispaniola, as surprises rather than encounters. But that of Carthagena, where the Spaniards had warning of our coming and had put themselves in their full strength, was one of the hottest services and most dangerous assaults that hath been known. For the access to the town was only by a neck of land, between the sea on the one part and the harbour water or inner sea on the other; fortified clean over with a strong rampier and barricado: so as upon the ascent of our men they had both great ordnance and small shot that thundered and showered upon them from the rampier in front and from the galleys that lay at sea in flank. And yet they forced the passage, and wan the town, being likewise very well manned. As for the expedition of Sir Francis Drake, in the year 1587, for the destroying of the Spanish shipping and provision upon their own coast; as I cannot say that there intervened in that enterprise any sharp fight or encounter, so nevertheless it did strangely discover, either that Spain is very weak at home or very slow to move; when they suffered a small fleet of English to make an hostile invasion or incursion upon their havens and roads, from Cadiz to Capa Sacra, and thence to Cascais; and to fire, sink, and carry away at the least ten thousand

[1] So B. R. omits the three last words. [2] champion: A. B.

ton of their great shipping, besides fifty or sixty of their smaller vessels; and that in the sight and under the favour of their forts, and almost under the eye of their great[1] Admiral (the best commander of Spain by sea), the Marquis de Santa Cruz; without ever being disputed by any fight of importance. I remember Drake, in the vaunting stile of a soldier, would call this enterprise *the singeing of the King of Spain's beard.*

The enterprise of eighty-eight deserveth to be stood upon a little more fully, being a miracle of time. There armed[2] from Spain, in the year 1588, the greatest navy that ever swam upon the sea. For though there have been far greater fleets for number, yet for the bulk and building of the ships, with the furniture of great ordnance and provisions, never the like. The design was to make not an invasion only, but an utter conquest of this kingdom. The number of vessels were one hundred and thirty, whereof galliasses and galleons seventy-two, goodly ships, like floating towers or castles, manned with thirty thousand soldiers and mariners. This navy was the preparation of five whole years, at the least. It bare itself also upon divine assistance; for it received special blessing from Pope Sixtus,[3] and was assigned as an apostolical mission for the reducement of this kingdom to the obedience of the see of Rome. And in further token of this holy warfare, there were amongst the rest of these ships, twelve called by the names of the twelve apostles. But it was truly conceived, that this kingdom of England could never be overwhelmed, except the land waters came in to the sea tides. Therefore was there also in readiness in Flanders a mighty strong army of land forces, to the number of fifty thousand veteran soldiers, under the conduct of the Duke of Parma, the best commander, next the French King Henry the fourth, of his time. These were designed to join with the forces at sea; there being prepared a number of flat-bottomed boats to transport the land forces, under the wing and protection of the great navy. For they made no other account,[4] but that the navy should be absolutely master of the seas. Against these forces, there were prepared on our part, to the number of near one hundred ships; not so great of bulk indeed, but of a more nimble motion, and more serviceable: besides a less fleet of thirty ships, for the custody of the narrow

[1] high: A. B.
[2] arrived: Ed. 1629.
[3] Zistus: R.
[4] So A. B. R. has "no account."

seas. There were also in readiness at land two armies; besides other forces, to the number of ten thousand, dispersed amongst the coast towns in the southern parts. The two armies were appointed, one of them consisting of twenty-five thousand horse and foot, for the repulsing of the enemy at their landing and the other of twenty-five thousand for safeguard and attendance about the court and the Queen's person. There were also other dormant musters of soldiers thoroughout all parts of the realm, that were put in readiness but not drawn together. The two armies were assigned to the leading of two generals, noble persons, but both of them rather courtiers, and assured to the state, than martial men; yet lined and assisted with subordinate commanders of great experience and valour. The fortune of the war made this enterprise at first a play at base. The Spanish navy set forth out of the Groyne in May, and was dispersed and driven back by weather. Our navy set forth somewhat later out of Plymouth, and bare up towards the coast of Spain to have fought with the Spanish navy; and partly by reason of contrary winds, partly upon advertisement that the Spaniards were gone back, and upon some doubt also that they might pass by towards the coast of England whilst we were seeking them afar off, returned likewise into Plymouth about the middle of July. At that time came more confident advertisement (though false) not only to the Lord Admiral but to the Court, that the Spaniards could not possibly come forward that year; whereupon our navy was upon the point of disbanding, and many of our men gone ashore. At which very time the Invincible Armada (for so it was called in a Spanish ostentation throughout Europe) was discovered upon the western coast. It was a kind of surprise; for that (as was said) many of our men were gone to land, and our ships ready to depart. Nevertheless the Admiral, with such ships only as could suddenly be put in readiness, made forth towards them; insomuch as of one hundred ships, there came scarce thirty to work. Howbeit, with them, and such as came daily in, we set upon them, and gave them the chase. But the Spaniards for want of courage (which they called commission) declined the fight, casting themselves continually into roundels (their strongest ships walling in the rest) and in that manner they made a flying march towards Calais. Our men by the space of five or six days followed them close, fought with

them continually, made great slaughter of their men, took two of their great ships, and gave divers others[1] of their ships their death's wounds, whereof soon after they sank and perished; and (in a word) distressed them almost in the nature of a defeat; we ourselves in the mean time receiving little or no hurt. Near Calais the Spaniards anchored, expecting their land-forces, which came not. It was afterwards alleged, that the Duke of Parma did artificially delay his coming; but this was but an invention and pretension given out by the Spaniards; partly upon a Spanish envy against that Duke, being an Italian, and his son a competitor to Portugal; but chiefly to save the monstrous scorn and disreputation which they and their nation received by the success of that enterprise. Therefore their colours and excuses (forsooth) were, that their general by sea had a limited commission, not to fight until the land forces were come in to them: and that the Duke of Parma had particular reaches and ends of his own underhand to cross the design. But it was both a strange commission and a strange obedience to a commission, for men in the midst of their own blood, and being so furiously assailed, to hold their hands, contrary to the laws of nature and necessity. And as for the Duke of Parma, he was reasonably well tempted to be true to that enterprise, by no less promise[2] than to be made a feudatary or beneficiary king of England, under the seignory (in chief) of the Pope, and the protection of the King of Spain. Besides it appeared that the Duke of Parma held his place long after in the favour and trust of the King of Spain, by the great employments and services that he performed in France: and again, it is manifest that the Duke did his best to come down and to put to sea. The truth was, that the Spanish navy, upon those proofs of fight which they had with the English, finding how much hurt they received, and how little hurt they did, by reason of the activity and low building of our ships and skill of our seamen; and being also commanded by a general of small courage and experience; and having lost at the first two of their bravest commanders at sea, Pedro de Valdez, and Michael de Oquenda; durst not put it to a battle at sea, but set up their rest wholly upon the land enterprise. On the other side, the transporting of the land forces failed in the very foundation. For whereas the council of Spain

[1] other: B. [2] promises: B.

made full account, that their navy should be master of the sea, and therefore able to guard and protect the vessels of transportation; when it fell out to the contrary that the great navy was distressed, and had enough to do to save itself; and again that the Hollanders impounded their land forces with a brave fleet of thirty sail, excellently well appointed; things (I say) being in this state, it came to pass that the Duke of Parma must have flown if he would have come into England, for he could neither get bark nor mariner to put to sea: yet certain it is that the Duke looked still for the coming back of the Armada, even at that time when they were wandering and making their perambulation upon the northern seas. But to return to the Armada, which we left anchored at Calais. From thence (as Sir Walter Raleigh was wont prettily to say) *they were suddenly driven away with squibs;* for it was no more but a stratagem of fire boats, manless, and sent upon them by the favour of the wind in the night time, that did put them in such terror, as they cut their cables and left their anchors in the sea. After, they hovered some two or three days about Graveling, and there again were beaten in a great fight; at what time our second fleet, which kept the narrow seas, was come in and joined to our main fleet. Thereupon the Spaniards entering into further terror, and finding also divers of their ships every day to sink, lost all courage, and instead of coming up into the Thames' mouth for London (as their design was), fled on towards the north to seek their fortunes; being still chased by the English navy at the heels, until we were fain to give them over for want of powder. The breath of Scotland the Spaniards could not endure; neither durst they as invaders land in Ireland; but only ennobled some of the coasts thereof with shipwracks. And so going northwards aloof as long as they had any doubt of being pursued, at last, when they were out of reach, they turned and crossed the ocean to Spain, having lost fourscore of their ships and the greater part of their men. And this was the end of that sea-giant, the Invincible Armada: which having not so much as fired a cottage of ours at land, nor taken a cock-boat of ours at sea, wandered thorough the wilderness of the northern seas; and, according to the curse in the Scripture, *came out against us one way, and fled before us seven ways;* serving only to make good the judgment of an astrologer long before

given, *octogesimus octavus mirabilis annus:* or rather, to make good (even to the astonishment of all posterity) the wonderful judgments of God, poured down commonly upon vast and proud aspirings.

In the year that followed, of[1] 1589, we gave the Spaniards no breath, but turned challengers, and invaded the main of Spain. In which enterprise, although we failed of our end, which was to settle Don Antonio in the kingdom of Portugal, yet a man shall hardly meet with an action that doth better reveal the great secret of the power of Spain; which well sought into, will be found rather to consist in a veteran army (such as upon several occasions and pretensions they have ever had on foot, in one part or other of Christendom, now by the space of almost sixscore years) than in the strength of their dominions[2] and provinces. For what can be more strange, or more to the disvaluation of the power of the Spaniard upon the continent, than that with an army of eleven thousand English land soldiers, and a fleet of twenty-six ships of war, besides some weak vessels for transportation, we should, within the hour-glass of two months, have won one town of importance by *escalada*, battered and assaulted another, overthrown great forces in the field, and that upon the disadvantage of a bridge strongly barricadoed, landed the army in three several places of his kingdom, marched seven days in the heart of his countries, lodged three nights in the surburbs of his[3] principal city, beaten his forces into the gates thereof, possessed two of his frontier forts, and come off after all this[4] with small loss of men, otherwise than by sickness? And it was verily thought, that had it not been for four great disfavours of that voyage (that is to say, the failing in sundry provisions that were promised, especially of cannons for battery; the vain hopes of Don Antonio, concerning the people of the country to come in to his aid; the disappointment of the fleet that was directed to come up the river of Lisbon; and lastly, the diseases which spread in the army by reason of the heat of the season and of the soldiers' misrule in diet), the enterprise had succeeded, and Lisbon had been carried. But howsoever it makes proof to the world, that an invasion of a few

[1] A and B. omit "of."
[2] several dominions: A. B.
[3] the: B.
[4] after all this come off: B.

English upon Spain may have just hope of victory, or[1] at least of passport to depart safely.

In the year 1591 was that memorable fight of an English ship called the Revenge, under the command of Sir Richard Greenvill; memorable (I say) even beyond credit, and to the height of some heroical fable. And though it were a defeat, yet it exceeded a victory; being like the act of Sampson, that killed more men at his death, than he had done in the time of all his life. This ship, for the space of fifteen hours, sat like a stag amongst hounds at the bay, and was sieged and fought with in turn by fifteen great ships of Spain, part of a navy of fifty-five ships in all; the rest like abettors looking on afar off. And amongst the fifteen ships that fought, the great Sant Philippo was one; a ship of fifteen hundred ton, prince of the twelve sea-apostles; which was right glad when she was shifted off from the Revenge. This brave ship the Revenge, being manned with two hundred only[2] (soldiers and mariners), whereof four score lay sick; yet nevertheless after a fight maintained (as was said) of fifteen hours, and two ships of the enemy sunk by her side, besides many more torn and battered, and great slaughter of men, never came to be entred, but was taken by composition; the enemies themselves having in admiration the virtue of the commander, and the whole tragedy of that ship.

In the year 1596 was the second invasion that we made upon the main territories of Spain; prosperously achieved by that worthy and famous Robert Earl of Essex, in consort with the noble Earl of Nottingham that now liveth, then Admiral. This journey was like lightning; for in the space of fourteen hours the King of Spain's navy was destroyed, and the town of Cadiz taken. The navy was no less than 50[3] tall ships, besides 20 galleys to attend them. The ships were straitways beaten, and put to flight with such terror, as the Spaniards in the end were their own executioners, and fired them all with their own hands. The galleys, by the benefit of the shores and shallows, got away. The town was a fair, strong, well built, and rich city; famous in antiquity, and now most spoken of for this disaster. It was manned with four thousand soldiers foot,[4] and some four hundred horse; it was sacked and burned, though great clemency was

[1] So A and B. R. omits "or."
[2] So A and B. R. has "being manned only with 200."
[3] 59: B.
[4] on foot: A. B.

used towards the inhabitants. But that which is no less strange than the sudden victory, is the great patience of the Spaniards: who, though we stayed upon the place divers days, yet never offered us any play then, nor ever[1] put us in suit by any action of revenge or reparation at any time[2] after.

In the year 1600 was the battle of Newport in the Low-Countries, where the armies of the Archduke and the States tried it out by a just battle. This was the only battle that was fought in those countries these many years. For battles in the French wars have been frequent, but in the wars of Flanders rare, as the nature of a defensive requireth. The forces of both armies were not much unequal: that of the States exceeded somewhat in number, but that again was recompensed in the quality of the soldiers; for those of the Spanish part were of the flower of all their forces. The Archduke was the assailant and the preventer, and had the fruit of his diligence and celerity. For he had charged certain companies of Scottishmen, to the number of eight hundred, sent to make good a passage and thereby severed from the body of the army, and cut them all in pieces: for they, like a brave infantry, when they could make no honourable retreat, and would take no dishonourable flight, made good the place with their lives. This entrance of the battle did whet the courage of the Spaniards, though it dulled their swords: so as they came proudly on, confident to defeat the whole army. The encounter of the main battle which followed, was a just encounter, not hastening to a sudden rout, nor the fortune of the day resting upon a few former ranks, but foughten out to the proof by several squadrons, and not without variety of success: *Stat pede pes densusque viro vir.* There fell out an error in the Dutch army, by the overhasty medly of some of their men with the enemies, which hindred the playing of their great ordnance. But the end was that the Spaniards were utterly defeated, and near five thousand of their men in the fight and in the execution slain and taken; amongst whom were many of the principal persons of their army. The honour of the day was, both by the enemy and the Dutch themselves, ascribed unto[3] the English: of whom Sir Francis Vere, in a private commentary which he wrote of that service, leaveth testified, that of fifteen hundred in number (for they

[1] never: A. B. [2] times: B. [3] much to: A. B.

were no more) eight hundred were slain in the field: and (which is almost incredible in a day of victory) of the remaining seven hundred [1] two only men came off unhurt. Amongst the English,[2] Sir Francis Vere himself had the principal honour of the service, unto whom the prince of Orange (as is said) did transmit the direction of the army for that day; and in the next place Sir Horace Vere his brother, that now liveth, who was the principal in the active part. The service also of Sir Edward Cecil, Sir John Ogle, and divers other brave gentlemen, was eminent.

In the year 1601 followed the battle of Kinsale in Ireland. By this Spanish invasion of Ireland (which was in September that year), a man may guess how long time a Spaniard[3] will live in Irish ground; which is a matter of a quarter of a year, or four months at the most. For they had all the advantages in the world; and no man would have thought (considering the small forces employed against them) that they could have been driven out so soon. They had[4] obtained, without resistance, in the end of September, the town of Kinsale; a small garrison of one hundred and fifty English leaving the town upon the Spaniards' approach, and the townsmen receiving the foreigners as friends. The number of Spaniards that put themselves into Kinsale was two thousand men, soldiers of old bands, under the command of Don Jhuan d'Aquila, a man of good valour. The town was strong of itself; neither wanted there any industry to fortify it on all parts, and make it tenable, according to the skill and discipline of Spanish fortification. At that time the rebels were proud, being encouraged upon former successes; for though the then Deputy, the Lord Mountjoy, and Sir George Carew, President of Munster, had performed divers good services to their prejudice, yet the defeat they had given the English at Blackwater, not long before, and the treaty (too much to their honour) with the Earl of Essex, was yet fresh in their memory. The Deputy lost no time, but made haste to have recovered the town before new succours came, and sat down before it in October, and laid siege to it by the space of three winter months or more: during which time some[5] sallies were made by the Spaniard, but they were beaten in with loss. In January came

[1] Of the rest: B.
[2] So A & B. R has "amongst the rest."
[3] Spaniards: B.
[4] So A. B. R omits "had."
[5] So A. B. R omits "some."

fresh succours from Spain, to the number of two thousand more, under the conduct of Alonzo D'Ocampo. Upon the comforts[1] of these succours, Tyrone and Odonnell drew up their forces together, to the number of seven thousand besides the Spanish regiments, and took the field, resolved to rescue the town and to give the English battle. So here was the case: An army of English, of some six thousand, wasted and tired with a long winter's siege, engaged in the midst between an army of a greater number than themselves, fresh and in vigour, on the one side, and a town strong in fortification and strong in men on the other. But what was the event? This in few words; That after the Irish and Spanish forces had come on, and shewed themselves in some bravery, they were content to give the English the honour as to charge them first; and when it came to the charge, there appeared no other difference between the valour of the Irish rebels and the Spaniards but that the one ran away before they were charged, and the other straight after. And again, the Spaniards that were in the town had so good memories of their losses in their former sallies, as the confidence of an army which came for their deliverance could not draw them forth again. To conclude: there succeeded an absolute victory for the English, with the slaughter of above two thousand of the enemy; the taking of nine ensigns, whereof six Spanish; the taking of the Spanish general, D'Ocampo, prisoner; and this with the loss of so few of the English as is scarce credible; being (as hath been rather confidently than credibly reported)[2] but of one man, the cornet of Sir Richard Greame; though not a few hurt. There followed immediately after the defeat a present yielding up of the town by composition; and not only so, but an avoiding (by express articles[3] of treaty accorded) of all other Spanish forces throughout all Ireland from the places and nests where they had settled themselves in greater strength (as in regard of the natural situation of the places) than that was of Kinsale; which were Castlehaven, Baltimore, and Beerehaven. Indeed they went away with sound of trumpet, for they did nothing but publish and trumpet all the reproaches they could devise against the Irish land and nation; insomuch as D'Aquila said in open treaty, *that when the devil upon the mount did shew Christ all the kingdoms of the earth, and the glory of them, he did not doubt but the devil left out Ireland, and kept it for himself.*

[1] Comfort: A. B. [2] Related: A. B. [3] Article: B.

I cease here; omitting not a few other proofs of the English valour and fortune in these later times; as at the suburbs of Paris, at the Raveline, at Druse in Normandy, some encounters in Britanny, and at Ostend, and divers others; partly because some of them have not been proper encounters between the Spaniards and the English; and partly because others of them have not been of that greatness, as to have sorted in company with the particulars formerly recited. It is true that amongst all the late adventures, the voyage of Sir Francis Drake and Sir John Hawkins into the West Indies was unfortunate; yet in such sort as it doth not break or interrupt our prescription, to have had the better of the Spaniards upon all fights of late. For the disaster of that journey was caused chiefly by sickness; as might well appear by the deaths of both the generals (Sir Francis Drake and Sir John Hawkins) of the same sickness amongst the rest. The land enterprise of Panama was an ill measured and immature counsel: for it was grounded upon a false account that the passages towards Panama were no better fortified than Drake had[1] left them. But yet it sorted not to any fight of importance, but to a retreat, after the English had proved the strength of their[2] first fort, and had notice of the two other forts beyond, by which they were to have marched. It is true, that in the return of the English fleet they were set upon by Avellaneda, Admiral of twenty great ships Spanish; our fleet being but fourteen, full of sick men, deprived of their two generals by sea, and having no pretence but to journey homewards: and yet the Spaniards did but salute them about the Cape de los Corientes with some small offer of fight, and came off with loss; although it was such a new thing for the Spaniards to receive so little hurt upon dealing with the English, as Avellaneda made great brags of it, for no greater matter than the waiting upon the English afar off from Cape de los Corientes to Cape Antonio; which nevertheless in the language of a soldier and of a Spaniard he called a chase.

But before I proceed further, it is good to meet with an objection, which if it be not removed, the conclusion of experience from the time past to the time present will not be sound and perfect. For it will be said that in the former times (whereof we have spoken) Spain was not so mighty as now it is; and[3]

[1] had formerly: B. [2] the: B. [3] om.: B.

England, on the other side, was more aforehand in all matters of power. Therefore let us compare with indifferency these disparities of time, and we shall plainly perceive, that they make for the advantage of England at this present time. And because we will less wander in generalities, we will fix the comparison to precise times; comparing the state of Spain and England in the year 88, with this present year that now runneth. In handling this point, I will not meddle with any personal comparisons of the princes, counsellors, and commanders by sea or land, that were then and that are now in both kingdoms, Spain and England; but only rest upon real points, for the true balancing of the state of the forces and affairs of both times. And yet these personal comparisons I omit, not but that I could evidently shew that even in these personal respects the balance sways on our part, but because I would say nothing that may savour of a spirit of flattery or censure of the present government.

First therefore, it is certain that Spain hath not now one foot[1] of ground in quiet possession more than it had in 88. As for the Valtoline and the Palatinate, it is a maxim in state that all countries of new acquest, till they be settled, are rather matters of burthen than of strength. On the other side, England hath Scotland united, and Ireland reduced to obedience and planted; which are mighty augmentations.

Secondly, in 88, the kingdom of France, able alone to counterpoise Spain itself,[2] (much more in conjunction,) was torn with the party of the League, which gave law to their King, and depended wholly upon Spain. Now France is united under a valiant young King, generally obeyed if he will, himself king of Navarre as well as of France; and that is no ways taken prisoner, though he be tied in a double chain of alliance with Spain.

Thirdly, in 88, there sat in the see of Rome a fierce[3] thundering frier, that would set all at six and seven; or at six and five, if you allude to his name. And though he would after have turned his teeth upon Spain, yet he was taken order with before it came to that. Now there is ascended to the papacy, a personage that came in by a chaste election, no ways obliged to the party of the Spaniards: a man bred in ambassages and

[1] a foot: A. B. [2] able to counterpoise Spain of itself: A. [3] fiery: B.

affairs of state, that hath much of the prince, and nothing of the frier; and one, that though he love the chair of the papacy well, yet he loveth the carpet about the chair (that is, Italy, and the liberties thereof) well likewise.[1]

Fourthly, in 88, the King of Denmark was a stranger to England, and rather inclined to Spain; now the[2] King is incorporated to the blood of England, and engaged in the quarrel of the Palatinate. Then also Venice, Savoy, and the princes and cities of Germany, had but a dull fear of the greatness of Spain, upon a general apprehension only of the spreading and ambitious designs of that nation: now that fear is sharpened and pointed by the Spaniards' late enterprises upon[3] the Valtoline and the Palatinate, which come nearer them.

Fifthly and lastly, the Dutch (which is the Spaniards' perpetual duellist) hath now, at this present, five ships to one, and the like proportion in treasure and wealth, to that they had in 88. Neither is it possible (whatsoever is given out) that the coffers of Spain should now be fuller than they were in 88. For at that time Spain had no other wars save those of the Low Countries, which were grown into an ordinary; now they have had coupled therewith the extraordinary of the Valtoline and the Palatinate. And so I conclude my answer to the objection raised touching the difference of times; not entering into more secret passages of state, but keeping that[4] character of style whereof Seneca speaketh, *plus significat quam loquitur*.

Here I would pass over from matter of experience, were it not that I held[5] it necessary to discover a wonderful erroneous observation that walketh about, and is commonly received, contrary to all the true account of time and experience. It is, that the Spaniard, where he once getteth in, will seldom or never be got out again. But nothing is less true than this. Not long since they got footing at Brest, and some other parts in French Britain, and after quitted them. They had Calais, Ardes, and Amiens, and rendered them, or were beaten out. They had since Ver-

[1] All the copies have "above the chair;" followed by a semicolon. And Rawley omitted the marks of parenthesis, probably because, with those words parenthesised, he could make no sense of the passage. As it is, he has not made *good* sense of it; because to love Italy "well *likewise*" was not to love it *above* the Papal chair. But if we read *about* instead of *above*, and retain the parenthesis, the sense is clear.

[2] that: A. B. [3] in: B. [4] the: A. B. [5] hold: A. B.

seilles,[1] and fair left it. They had the other day the Valtoline, and now have put it in deposit.[2] What they will do with Ormus, which the Persian hath taken from them, we shall see.[3] So that, to speak truly of latter times, they have rather poched and offered at a number of enterprises than maintained any constantly; quite contrary to that idle tradition. In more ancient times (leaving their purchases in Afric, which they after abandoned),[4] when their great Emperor Charles had clasped Germany (almost) in his fist, he was forced in the end to go from Isburg,[5] as if it had been in a mask, by torchlight, and to quit every foot in Germany round that he had gotten;[6] which, I doubt not, will be the hereditary issue of this late purchase of the Palatinate. And so I conclude the ground that I have to think that Spain will be no overmatch to Great Britain, if his Majesty should[7] enter into a war, out of experience and the records of time.

For grounds of reason, they are many; I will extract the principal, and open them briefly, and (as it were) in the bud. For situation, I pass it over; though it be no small point: England, Scotland, Ireland, and our good confederates the United Provinces, lie all in a plump together, not accessible but by sea, or at least by passing[8] of great rivers, which are natural fortifications. As for the dominions of Spain, they are so scattered, as it yieldeth great choice of the scenes of the war, and promiseth slow succours unto such part as shall be attempted. There be

[1] So R. A. has "Vercelles," which is right. Vercelles in Savoy.
[2] deposito. B.
[3] "Here hath been much murmuring in this court about the taking of Ormuz by the Persian, which they chiefly attribute to the assistance given by the English, of which I received former advice from England; but know not what credit I might give unto it, till that I perceive it to be now confirmed by a correo that is come hither overland purposely with the news, at which they here much storm, particularly the Portugueses, it being a place of so great importance to them in the East Indies. I do use all the good means I may to satisfy the ministers here, as you will perceive by the transcript of a letter I sent thereupon to the Conde de Gondomar, a copy whereof I herewith send," etc.
E. of Bristol to Sir G. Calvert, Madrid, Dec. 20, 1622. From a copy by Mr. Gardiner from the original: "State Papers. Spain."
[4] lost: B.
[5] So A. R. has "to go from Isburg (and, as if it had been in a masque, by torch light) and to quit," etc. The marks of parenthesis, which are not found in the MSS. have been introduced because of the second "and." But if the first be struck out all is right.
[6] So all the copies. But I suspect that it should be "German ground."
[7] shall: A. B. [8] passage: A. B.

three main parts of military puissance, Men, Money, and Confederates. For men, there are to be considered valour and number. Of valour I speak not; take it from the witnesses that have been produced before: yet the old observation is not untrue, that the Spaniard's valour lieth in the eye of the looker on; but the English valour lieth about the soldier's heart. A valour of glory, and a valour of natural courage, are two things. But let that pass, and let us speak of number. Spain is a nation thin sown of people; partly by reason of the sterility of the soil, and partly because their natives are exhausted by so many employments in such vast territories as they possess. So that it hath been accounted a kind of miracle, to see ten or twelve thousand native Spaniards in an army. And it is certain (as we have touched it a little before in passage), that the secret of the power of Spain consisteth in a veteran army, compounded of miscellany forces of all nations, which for many years they have had on foot upon one occasion or other: and if there should happen the misfortune of a battle, it would be a long work to draw on supplies. They tell a tale of a Spanish ambassador that was brought to see the treasury of S. Mark at Venice, and still he looked down to the ground; and being asked, why he so looked down, said, *he was looking to see whether their treasure had any root (so that if it were spent it would grow again), as his master's had.* But howsoever it be of their treasure, certainly their forces have scarce any root; or at least such a root as buddeth forth poorly and slowly. It is true they have the Walloons, who are tall soldiers; but that is but a spot of ground. But, on the other side, there is not in the world again such a spring and seminary of brave militar people, as is England, Scotland, Ireland,[1] and the United Provinces. So as if wars should mow them down never so fast, yet they may be suddenly supplied, and come up again.

For Money, no doubt it is the principal part of the greatness of Spain; for by that they maintain their veteran army: and Spain is the only state of Europe that is a money grower. But in this part, of all others, is most to be considered the ticklish and brittle state of the greatness of Spain. Their greatness consiseth in their treasure; their treasure in their Indies; and their Indies (if it be well weighed) are indeed but an accession

[1] and Ireland: A. B.

to such as are masters by [1] sea. So as this axle-tree, whereupon their greatness turneth, is soon cut in two by any that shall be stronger than they by sea. Herein therefore I refer myself to the opinions of all men (enemies or whomsoever) whether that the maritime forces of Great Britain and the United Provinces be not able to beat the Spaniard at sea? For if that be so, the links of that chain whereby they hold their greatness are dissolved. Now if it be said, that admit the case of Spain to be such as we have made it, yet we ought to descend into our own case, which we shall find (perhaps) not to be in state (for treasure) to enter into a war with Spain. To which I answer; I know such thing; the mint beateth well; and the pulses of the people's hearts beat well. But there is another point that taketh away quite this objection: for whereas wars are generally causes of poverty or consumption; on the contrary part, the special nature of this war with Spain (if it be made by sea) is like to be a lucrative and restorative war. So that, if we go roundly on at the first, the war in continuance will find itself. And therefore you must make a great difference between Hercules' labours by land, and Jason's voyage by sea for the golden fleece.

For Confederates, I will not take upon me the knowledge, how the princes, states, and councils of Europe, at this day, stand affected towards Spain; for that trencheth into the secret occurrents of the present time, wherewith in all this treatise I have forborne to meddle. But to speak of that which lieth open and in view; I see much matter of quarrel and jealousy, but little of amity and trust towards Spain, almost in [2] all other estates. I see France is in competition with them for three noble portions of their monarchy, Navarre, Naples, and Milan; and now freshly in difference with them about the Valtoline. I see once in thirty or forty years cometh a Pope, that casteth his eye upon the kingdom of Naples, to recover it to the church: as it was in the minds of Julius 2, Paulus 4, and Zistus 5. As for that [3] great body of Germany, I see they have greater reason to confederate themselves with the kings of France, and Great Britain, or Denmark, for the liberty of the German nation, and for the expulsion [4] of Spanish and foreign forces, than they had

[1] at: A. B.
[2] from: B.
[3] the: B.
[4] expulsing: A. B.

in the years 1552 and 1553.[1] At which time they contracted a league with Henry the second the French king, upon the same articles, against Charles the fifth, who had impatronized himself of a great part of Germany, through discord of the German princes, which himself had sown and fomented: which league at that time did the deed, and drave out all the Spaniards out of that part of Germany; and reintegrated that nation in their ancient liberty and honour. For the West-Indies, though Spain hath had yet not much actual disturbance there, except it have been from England; yet nevertheless I see all princes lay a kind of claim unto them; accounting the title of Spain but as a monopoly of those large countries, wherein they have in great part but an imaginary possession. For Afric upon the west, the Moors of Valentia expulsed, and their allies, do yet hang as a cloud or storm over Spain. Gabor on the east is like an anniversary wind, that riseth every year once upon the party[2] of Austria. And Persia hath entered into hostility with Spain, and giveth them the first blow by taking of Ormus. It is within every man's observation also, that Venice doth think their state almost on fire, if the Spaniards hold the Valtoline;[3] that Savoy hath learned by fresh experience, that alliance with Spain is no security against the ambition of Spain; and that Bavaria[4] hath likewise been taught, that merit and service doth oblige the Spaniard but from day to day. Neither do I say for all this, but that Spain may rectify much of this ill blood by their particular and cunning negociations: but yet there it is in the body, and may break out, no man knoweth when, into ill accidents: but at least it sheweth plainly, that which serveth for our purpose, that Spain is much destitute of assured and confident confederates. And therefore I will conclude this part with the speech of a counsellor of state in Spain at this day, which was not without salt. He said to his master the King of Spain that now is (upon occasion), *Sir, I will tell your Majesty thus much for your comfort; your Majesty hath but two enemies; whereof the one is all the world, and the other is your own ministers.* And thus I end the second main part I propounded to speak of; which was, the balancing of the forces between the King's Majesty and the King of Spain, if a war[5] must follow.

[1] blank left in both MSS. for the figures.
[2] that part: B.
[3] So B. R. has a full stop here.
[4] So A. and B. R. has "that of Bavaria."
[5] wars: B.

TOUCHING THE MEANS TO ARREST AND RANGE TO JUDGMENT THE GREATNESS OF SPAIN.[1]

The greatness of Spain is built upon four pillars.

1. A veteran army.
2. A profession of the Catholics in all parts.
3. The treasure of the Indies.
4. The strait alliance of the House of Austria, which is possessed of the Empire.

Against the first of these there are four expedients.

1. The making war upon Spain in several places at once: for by that means the faggot will be unbound, which otherwise will be hard to break.

2. By giving him enough of the line to ruin himself in wasting his army with long sieges of strong towns; as that of Breda; for a strong town is ever the churchyard of an army. Neither did Charles the Fifth (his ancestor) often busy himself with long sieges, especially when there was no hope of any party within the town, and where there is[2] a potent army of the enemy in the field.

3. The making war upon his territories in Italy by the French King: for that King's titles are fresh, his armies in great reputation; there is a fair and prosperous beginning in the Valtoline already: besides it would take the Pope almost out of captivity; for the King of Spain hath now so many means to advance and reward his kinsfolks and friends of the Popes, as all Popes almost either at their first coming in or soon after are brought to be of his side.

4. The making war upon the continent of Spain; for it is most true of Spain that the Theban said of Sparta, That it is like a great river that near the springhead is weak and passable by ford, but when it hath run a space and taken other rivers into it, it is strong. As did most notably appear in the two voyages of the English upon Lisbon and Cales: and it cannot otherwise be, because the peasants of Spain are no soldiers: so as they have nothing but an *Hidalguia*, which is a small number. And the better to cut off the sinews of their infantry, it were

[1] Harl. MSS. 2232, f. 65 *b*.

[2] So MS.

good the French King would by all means draw the Walloons to depend upon him, preserving them in their liberty. They are of the best soldiers in Europe, they are of the French language: they confine as well upon France as upon the territories of the Archduchess, and they are brave men to do him service in his wars [of] Italy.

Against the second also there be four expedients.

1. By some good declaration well expressed and well verified to lay open the hypocrisy of Spain; and that they have ever sailed the point of the compass of ambition and not of Religion: as that the Emperor Charles granted the interim to the Germans against the request and monitories of the Pope; that the same Emperor imprisoned the person of the Pope most odiously by the space of thirteen months; that Don John of Austria lost the fruit of the victory of Lepanto by breaking the confederacy against the Turks upon the private ends of Spain: that of late the King of Spain gave monies to the Protestants of France; and such other proceedings of Spain as may be collected.

2. In regard the order of Jesuits is so great and effectual [an] instrument for Spain, the drawing by way of counterpoise other orders than that of the Cordeliers, the Benedictines, the Augustines, and others, to depend immediately upon France. The Dominicans and Jacobins (I take it) are much Spanish. But there [is] scope enough of others. But yet it were a stronger remedy if there were erected in France a new order like unto that of the Jesuits, as is already begun in the order of the Fathers of the Oratory: but that order or any other of that nature must have the like properties and advantages that the Jesuits have,— as that they be not cloistered but have a kind of apostolical employment for the winning of souls; that they have the education of youth; that they be confessors to the sick, and consulted with in making wills and testaments: that they listen to matters of state, and some of them live in the Courts of Princes, and the like.

3. That the Pope make some reglement of the order of the Jesuits. To suppress them would be an act of an infinite danger; and besides many of them are persons of reverence and great virtue in their course. But howsoever, being so closely united amongst themselves, and dependants of Spain, they may

prove dangerous to the Papacy itself, and therefore the Popes should do well at least to give command that the letters sent by them from all parts to their General ever residing at Rome, be once a month or oftener (as occasion requires) delivered into the hands of the Pope, to whose care the general estate of the Church appertains.

4. That the King of France endeavour himself by all good means to interest himself in the friendship of the Popes, and to have a strong party in the College of the Cardinals.

Against the third, touching the treasure of the Indies, and especially the West Indies, there are three expedients.

1. The destroying the shipping of Spain upon the Spanish Coast before they set sail, as Drake did twice.

2. The intercepting the fleet in its course about the islands, or elsewhere.

3. The invasion of Peru or Mexico (for Brazil methinks is a poor thing); but of this I can say nothing, for I think we know little.

The Spaniards have kept the West Indies so under lock and key that we know not what towns or places are there fortified, nor of what strength they are, nor how named; we know not the valour and condition (or it may be the discontents) of the Viceroys there; we know not what force of soldiers there are, and of leaders in those countries; we know not the state of the people natives, nor of that of the Cymrownes or slaves, whether it be matter at this time of any consideration as formerly it hath been. It were good, if it be not done already, that either the Dutch or English by force of reward got some persons that have lived long in the West Indies that mought clear them of all these particulars, without which it is a vain and inconsiderate thing to make any invasion in those parts. As for the East Indies, the English can take no better course than they now do—that is to trade and use the natural people of the country fair, and to leave the Spaniards and the Flemings to their plantations. I see the Spaniards make no haste to recover Ormus. There was a speech of the design of the Flemings upon Goa. But these things I leave.

Against the fourth I will say little, because I find small hope of doing good in it. I know well the election of the empire (as

it is now established) was but by the Bull of the Pope; the Bull Caroline; and I have heard from good parts that Henry the Fourth of France, who was murdered when he was ready to put his foot in the stirrup, and had mighty forces in readiness, had a design to free the empire from the House of Austria. But there is no likelihood that the Pope, who must be a principal actor in that business, will ever consent unto to it; for Popes love to have weak Emperors. And besides it would run danger of bringing the empire to a Protestant. But the best is that this pillar is but a weak support to the greatness of Spain if the first three be shaken.

7.

This was Bacon's last contribution to the political business of his day. I do not know whether any use was made of it. But I fancy that the chance had been postponed too long and came too late; and that the domestic condition of the country would have made it impossible at that time to carry out such an enterprise successfully. A war like this could not be entered upon without money. Money could not be had without the concurrence of the House of Commons. The Commons would not grant money for a war without security that it would be carried on in the way they approved. If they had been qualified themselves to assume the control of military operations, the King might, no doubt, (by anticipating one or two revolutions) have made it over to them, and then there would have been no difficulty about the money. But war was a business of which they had few professors among them, and of which indeed they knew so little that they were not yet aware how much they needed the help of those who knew more. Bacon, as we have seen, would have had them recommended to advise the renunciation of the treaties, and then (seeing that if the Palatinate was to be recovered at all it must be by a war) to appoint a select committee with power "to confer with any martial men or others, that were not of the House, for their advice and information;" and to hear their report before they proceeded further. Through such a select committee they might have learned what force would be required, and what expense it would involve: and then they would have been in a condition to consider whether they could find the money for it. But the necessity of such a select committee, and of taking the opinions of "martial men that were not of the House," does not appear to have occurred to them. After debating the question among themselves in committee of the whole House, they resolved at the suggestion of an old lawyer crammed with precedents from

the wars of the Plantagenets, to grant "enough for the present;" that is to say, enough to enable the Government to *begin* a war; what was "enough" being a third part of what they understood would be wanted to carry it through; and their reason for granting no more at present being an apprehension that the country could not at present afford more. Now to send an army into the heart of Europe with only a third part in hand of the money which would be required to raise, equip, transport, and keep it efficient, and no better security for the rest than a hope that the same House would find the country able to afford it at the end of another half-year,—and that too for an object which was losing its value in their eyes so rapidly that though only three years ago they thought it worth all they had, they did not now think it worth mentioning,[1]—would have been to court disaster; and therefore the King's most prudent course would have been to confine himself "for the present" to the objects indicated in the preamble of the grant—namely, the strengthening of England and Ireland for defence, the preparation of the navy for action, and the assistance of the United Provinces—and to leave "the estate of his children abroad" as it was, until means should be provided sufficient to redeem it. But it was natural for the Prince, in the flush of his new popularity, and with his mind wholly bent upon the recovery of his sister's inheritance, to take a more sanguine view of the temper of the Commons who had formerly shown themselves so eager in the quarrel, and to urge present action; not doubting that if the sword were once out of the scabbard the rest would follow. The King himself too, whose only pretence for declaring war against Spain was her treatment of the Palatinate, did not like to throw it over altogether. But since the cost of a "conquering army," upon the scale and plan proposed three years before, could not be brought below 700,000*l.*[2] a year, he was obliged to content himself with supplying a contingent to a

[1] Compare the two following extracts from the debates. June 4, 1621. "The Commons in Parliament assembled, taking into consideration the present estate of the King's children abroad, and the afflicted estate of the true professors of the same Christian religion professed by the Church of England and other foreign parts . . . with one heart and voice do solemnly protest that if his Majesty's pious endeavours by treaty to procure their peace and safety shall not take that good effect he desireth . . that then upon the signification of his pleasure in Parliament *they shall be ready to the uttermost of their powers both with their lives and fortunes to assist him*, so as . . . he may be able to do that by his sword which by peaceable courses shall not be effected." *Proc. and Debates.* Aug. 5, 1625. "Mr. Alford. He holdeth we are not engaged to give for the recovery of the Palatinate; for when it was in the Act of Parliament as it was first penned, it was strucken out by order of the House, as a thing unfit to engage the House for the recovery of the Palatinate; and, if possible, not without great charge and difficulty." Commons' Debates, 1625, p. 135.

[2] Commons' Debates in 1625, p. 75.

miscellaneous army under Count Mansfeldt, and strengthening and encouraging his continental allies with men and money.

Mansfeldt's army was to have aimed directly at the reconquest of the Palatinate. But between bad luck and bad management it proved a complete failure and did nothing. A result doubly unfortunate; for besides missing its object, it made the Commons more disinclined than before to trust the Government with means sufficient for a more successful attempt. And the effect was seen a few months after in the next Parliament; when the first appeal of the new King for "such supply as the greatness of the work and variety of provision did require," in a war which he had earned their extravagant applause by helping them to bring about, met with a reception which plainly showed that the hot fit of their war-fever had already given place to the cold. The new House which met at Westminster in June 1625, though composed mostly of the same men and guided by the same leaders as the last, knew nothing about the Palatinate, and acknowledged no engagement to grant further supplies. "The promises and declarations of the last Parliament," they said, "were in respect of a war." What war? "They knew yet of no war, nor of any enemy." What need then for more than two subsidies? Did not Queen Elizabeth, with less supplies "defend herself, consume Spain, assist the Low Countries, relieve France, preserve Ireland?" "They diminished the King, who thought money could give him reputation. The hearts of his subjects were his greatest honour and reputation."[1] And this was to be the demonstration of their hearts.

Now, in case of a really popular war—a war for an object upon which the mind of the people is seriously bent—it has always been usual in England for a disaster at the beginning to be followed by a more determined and vigorous effort to retrieve it. We are all very angry with those in whose hands the first attempt fails, and often very cruel and unjust to them. But we never think of resting there and accepting the defeat. Is it conceivable that the high-couraged leaders of the country-party in Charles's first Parliament would have regarded the loss of 10,000 men in an ill-conducted expedition as a reason for giving up the *object* of that expedition, if they really cared for it? Yet the offer of two subsidies at such a time, as being all that the King could want,—what could it mean but that they meant the enterprise to be abandoned? The motion, though it surprised the Government, caused no disappointment in the House. It was so well in accord with the general feeling that

[1] Sir Robert Phelips, 30 June, 1625.

it was accepted without any opposition and with scarcely any debate: for when "divers courtiers," who had not expected that business to come on that day, arrived late, "though they were provided to have spoken and meant to have urged for a larger proportion, yet not knowing how the debate had passed, and seeing no likelihood of prevailing, they held their peace."[1] If the House had insisted as a condition of granting money for the war, that war should be forthwith declared; or that it should be conducted in some particular way, or directed to some particular end; and upon that condition had offered an *adequate* supply:—or if they had themselves undertaken to criticise the estimates and show that less would be enough; their course might be explained without supposing that they had ceased to care for the object of the war. But there is no trace in any of these debates of an attempt to criticise the plan of action, or to suggest a better, or to show that it need not cost so much. The Government estimates had been framed upon careful calculations of all the items that would be wanted and all that each would cost. The Commons knew what they were, and they had nothing better to oppose to them than vague stories of what had been done in old times by Plantagenets and Tudors; as if because the furniture of war cost less formerly than it did then, it could be obtained then for less than its cost. What the estimated cost was no member knew better than Sir Edward Coke, nor was any member more decided in his opinion that more than two subsidies could not now be wanted. And how did he make it out? The estimate (which he summed up himself and did not dispute) was 900,000*l.* Of this the last House had granted one-third; at the same time, if not engaging itself, at least intimating an intention which was meant to be relied and acted upon, to supply the rest when it was wanted. What the present House offered would amount to 140,000*l.* So that even "if we were engaged," said he (which we were not) "we have performed it."[2] The arithmetic is difficult; but the terms of the engagement were not the question. The question was, what to do. Even if the payment of 440,000*l.* had been the "performance" of an engagement to pay 900,000*l.*, it was not enough to carry on the war with.

[1] Commons' Debates in 1625, p. 33.

[2] 5 August, 1625. Commons' Debates, p. 84. The words of the report are, "Our country does not trust us to engage them but only by act of Parliament; and yet if we were engaged we have performed it. We gave the last Parliament 400,000*l.*: now two subsidies, besides the tonnage and poundage." The tonnage and poundage were not to the purpose; because (having been always reckoned as due) the estimated cost of the war was over and above it. The 400,000*l.* is perhaps a misreport for 300,000*l.* For I do not know how it is made out. But either way the amount granted falls far short of the sum required,—and I should say promised.

For whether it were right or wrong that it should be so,—whether the Plantagenets and Tudors would have managed better or not,—the fact was undeniable that money must be found, or the war for the recovery of the Palatinate could not go on; all the money at the disposal of the Government being already spent or pledged. And the coolness with which men like Sir Robert Phelips not only laid all the fault of failure upon the Government (which was natural and according to English precedent in all times), but prepared to accept the failure itself with all its consequences and let it rest there without an effort to retrieve it (which was quite contrary to English precedent in all times), proves to me that they had ceased to care for the result: and I think it is impossible to read the account of the debates at Westminster and Oxford either in the copious notes of them recently published by the Camden Society, or with Sir John Eliot's commentary as given by Mr. Forster from the *Negotium Posterorum*, without feeling that the country party had lost all anxiety for the re-conquest of the Palatinate and felt no very lively interest in the other issues of the war with Spain. They had come (I suspect) to look on it as *Buckingham's* war: and since his reputation depended upon its success, it may be that the leaders of the country party would have been better pleased with a defeat than a triumph. The short season of applause and adulation was over, and as Buckingham was entering upon a new lease of unbounded favour with the King, which carried with it unbounded power over the conduct of affairs, they had come to regard *him* as the public enemy, and were bracing themselves for another war on another field for another stake,—the war of the Commons against the Crown. Bacon's long-cherished hope that a foreign quarrel in a popular cause would bring the King and the people together and make them for a while at least forget their differences, had been in this case disappointed. If the occasion had come earlier, or if the beginnings had been more fortunate, the effect might perhaps have been different: and even now some brilliant military success might have revived the popularity of the cause. But it is not probable that the reconciliation could have been permanent. For the powers retained by the Crown and the powers acquired by the Commons had in truth become incompatible with each other, and could not have kept truce under any searching difference. The Commons had become too powerful to remain as they were. Being able to paralyse the action of Government, it was necessary that they should be able to control it. The inevitable struggle was now coming to the crisis. In *this* war they were altogether in earnest, and would accept no disaster as a defeat: nor was the struggle destined to end until the supreme

control of affairs was in effect transferred to those who had already the supreme command of the purse; and they had learned to exercise it, not directly by Committees of the whole House, but by a standing Committee of responsible advisers of the Crown—now called the Cabinet—selected nominally by the Crown but really by themselves, responsible to them, and removable at their pleasure.[1] An arrangement which Coke himself could not have pretended to justify by any precedent from the times of Plantagenet or Tudor; but one under which the Government can always contrive to obtain from the nation as much money as the affairs of the nation require.

[1] See "The English Constitution. By Walter Bagehot." p. 11–15.

CHAPTER X.

A.D. MARCH 1624—APRIL 1626. ÆTAT. 64–66.

1.

It must have been clear to Bacon by this time that the hopes of relief which had been held out to him after his fall by the King and Buckingham, however sincere and well meant, were not to be fulfilled. Nothing had occurred since to show him less worthy of provision for a studious life. No further notice had been taken of his case in either house of Parliament. The justice of his decrees in Chancery had in no instance been successfully impugned. He had abstained from all interference in public affairs. He had pursued his private studies with unabated diligence and vigour. And though the King's Exchequer was empty of money and his hands full of work which wanted it, there can be little doubt that such moderate supply as his case needed might easily have been provided; and that if his help and advice in the great affairs then on foot had been required in return, the money would have been very profitably invested. The language used towards him was still gracious and encouraging; but nothing came of it: a fact from which he could only infer that there was no sufficiently earnest intention behind. He moderated his hopes accordingly, and limited his petition to so much advance of his pension as might enable him to pay off his debts, and so much forbearance in the exaction of his rent to the Crown as might leave him the means of living in the meantime,—favours which would not cost much;—together with a pardon of the Parliamentary sentence, which would cost nothing.

Meanwhile, as the literary services which he had offered to the King in return for the bounty which he had desired were not called for, he applied himself henceforward exclusively to his own work, in which he had lost neither faith nor zeal, though the troubles of want must have sadly interfered with its progress. Amid continual in-

terruptions by creditors, whose claims could neither be repudiated nor satisfied, even the collection of Natural History, though mainly a matter of memory, was pursued at great disadvantage. In works like the second part of the *Novum Organum*, which required intense and continuous attention, progress was hardly possible under such a condition. Indulgences from the Crown, therefore, sufficient to set him free from other creditors, were of real importance to him, and might be considered as part of the provision without which his business could not be carried on. And yet his pecuniary embarrassment, with all that it entailed, was not the trouble which seems to have weighed heaviest upon his mind. What touched him more deeply was the wounded name that would live behind him. He had forfeited the good opinion of his fellow-countrymen, and he extremely desired to recover it, and to have the recovery marked by some public act of absolution. He knew the nature and the depth of his own offence and the state of his own mind. He knew that he had not been a corrupt judge in the sense of one who could be induced by the offer of a reward to decide a case unjustly; but he had countenanced a practice which he could not deny to be dangerous, not only to the reputation for integrity, but to the integrity itself, of the judicial office; a practice for which the best excuse he could offer was one which might have been more easily allowed in the case of any other man than himself,—namely, that it was "the abuse of the times." It was a great fault, and deserved to be visited by a great forfeiture. This he fully felt and admitted. From the moment that he was made to see clearly what he had done, he had acknowledged it to be indefensible; from the moment that he heard the sentence he had acquiesced in it as just. But he had been labouring in the service of his country and of mankind too long, too earnestly, and too unselfishly, to believe that he had deserved to be an outcast for ever. And though in that higher Court where all are pardoned who truly repent and unfeignedly believe, he felt that his sincere penitence and unreluctant submission, joined as it had been with so strenuous an endeavour to turn his remaining days to what he believed to be the best account, had deserved and procured his pardon,—though he read in the condition of his mind and the undiminished activity of his faculties an intimation and pledge of the divine forgiveness,—he still desired some human acknowledgment that his offence, if not redeemed, had at least been sufficiently punished, and that he was not to be transmitted by his own generation to the posterity whose servant he aspired to be, with a brand of infamy upon his brow,—as a man marked out for contempt. He longed to see that blot removed by the hands that put it on,—to be readmitted

into the House of Lords; to receive a full pardon of the whole sentence; to have his honours preserved in memory by translation after his decease. It was not much to ask; and to us it may seem at first sight a thing of too small consequence to have been much worth the seeking: for we do not find that our own estimate of him depends in any degree upon the question whether the desired pardon was or was not granted. Nevertheless one generation tells another, and though we flatter ourselves that we can judge of former times better than those who lived in them, we seldom do more than hear their tale and repeat it. It is probably true that if he had come better recommended to us, we should have received him more graciously. But however that may be, the apprehension of parting from the countrymen whose good he had so much desired without a word of kindness or a mark of reconciliation, and of going down to future ages in a character so unlike the truth, was the bitterest drop in his cup; and of the two branches of the petition which now contained all he asked—that he might "live out of want, and die out of ignominy"—the last was the one which he seems to have valued most.

The two next letters refer to two patents with which he had been concerned as Chancellor; the first being a privy seal which he had refused to pass, and handed over to be dealt with by his successor after his fall: (see Bishop Williams's letter of the 7th February, 1622):[1] the second, one which having passed the great seal during his Chancellorship, was about to be reported to the Commons as a grievance. It does not appear that any personal charge was to be brought against him for passing it. But it was a case in which, after the matter was settled, he had received presents from the three parties severally interested in it, and the presents so received had formed three several items in the articles of impeachment. It was the one case in which (though he was not now prepared to justify it himself) Lord Macaulay is obliged to admit that there is no ground for accusing him of corruption. An explanation of the circumstances under which the presents were received will be found in his answer to the 24th, 25th, and 26th articles of the charge: p. 259 of this volume.

To Sir Francis Barnham.[2]

Good Cousin,

Upon a little search made touching the patent of the survey

[1] Above, p. 404.

[2] Gibson Papers, vol. viii. f. 195. Copy. No fly-leaf. Indorsed, "A letter to Sir Francis Barnham."

of coals, I find matter not only to acquit myself, but likewise to do myself much right.

Any reference to me or any certificate of mine I find not. Neither is it very likely I made any; for that when it came to the great seal I stayed it. I did not only stay it, but brought it before the council-table, as not willing to pass it, except their Lordships allowed it.

The Lords gave hearing to the business, I remember, two several days; and in the end disallowed it, and commended my care and circumspection, and ordered that it should continue stayed; and so it did all my time.

About a twelvemonth since, my Lord Duke of Lenox (now deceased)[1] writ to me to have the privy seal; which though I respected his Lordship much I refused to deliver to him, but was content to put it into the right hand, (that is) to send it to my Lord Keeper, giving knowledge how it had been stayed. My Lord Keeper received it by mine own servant, writeth back to me, acknowledging the receipt, and adding that he would lay it aside until his Lordship heard further from my Lord Steward,[2] and the rest of the Lords.

Whether this first privy seal went to the great seal, or that it went about again, I know not. But all my part is that I have related. I ever rest

Your faithful friend and cousin,

FR. ST. ALBAN.

14th March, 1623.

TO THE CHANCELLOR OF THE DUCHY, SIR HUMPHREY MAY.[3]

Good Mr. Chancellor,

There will come upon Friday before you a patent of his Majesty's for the separation of the company of Potycaries from the company of Grocers and their survey, and the erecting them into a corporation of themselves under the survey of the Physicians.[4] It is, as I consider,[5] a fair business both for law and conveniency, and a work which the King made his own, and did

[1] He died suddenly, February 12, 1623–4.

[2] *i.e.* The *then* Lord Steward, viz.: the Duke of Lenox.

[3] Gibson Papers, vol. viii. f. 231. Very rough draught in Bacon's hand. No fly-leaf. Indorsed, "To the Chancellor of the Duchy."

[4] See Commons' Journals, 6 April, 1624.

[5] So I read the word. Birch printed "conceive."

and as I hear doth take much to heart. It is *in favorem vitæ*, where the other part is *in favorem lucri*. You may perhaps think me partial to Potycaries, that have been ever puddering in physic all my life.

But there is a circumstance that touches upon me, but *post diem*, which I cannot cover, for it is comprehended in the charge and sentence passed upon me.[1] It is, that after I had put the seal to the patent, the Potycaries presented me with an hundred pounds. It was no judicial business. But howsoever, as this may not be defended, so I would be glad it were not raked up more than needs. I doubt only the chair, because I hear he useth names sharply, and besides it may be he hath a tooth at me yet which is not fallen out with age.[2] But the best is, etc. One saith, *satis est lapsos non erigere; urgere verò jacentes, aut præcipitantes impellere, certè est inhumanum.* Mr. Chancellor, if you will be nobly pleased to grace me upon this occasion, by showing some tenderness of my name and commiseration of my fortune, there is no man in that assembly from whose mouth I had rather it should come. I hope it will be no dishonour to you. It will oblige me much, and be a worthy fruit of our last reintegration of friendship. I rest

Your faithful friend to do you service.

I do not find that anything was said about Bacon on this occasion in the House of Commons, either way.

The few remaining letters of this year (with two trifling exceptions) relate to his Petition; of which I have already said enough.

To Secretary Conway.[3]

Good Mr. Secretary,

This gentleman Mr. Ri. Greman who hath been towards

[1] I am doubtful as to the reading here. He had first written, "But there is a circumstance which touches upon me which I cannot cover, for it was part of the charge and sentence passed upon me: namely, that after I had putt," etc. The words "but post diem" are inserted between the lines: and the following clause has been corrected and recorrected till it is difficult to make out exactly how it was intended ultimately to stand. 'For' has been struck out, and it seems as if he had meant to substitute 'if': but then 'for' has been restored again, though the 'if' has not been erased. 'Namely' also is struck out, and 'It is trew' written between the lines, though not exactly above it: and then 'trew' has been struck out. Birch retained 'true' but omitted (by accident I suppose) 'which I cannot cover.'

[2] Sir Edward Coke, I presume, by whom all the reports from the Committee of Grievances during the session were brought up. Not Sir Robert Phelips, as stated by Birch, under the erroneous impression that the letter was written in 1621.

[3] S. P. vol. clxvii. no. 11. Original: own hand.

me, hath served formerly in Swede and Russia and the Low Countries, and is suitor now for a Lieutenant's place in these succours which are now to be sent. I recommend his suit unto you, and shall give you very hearty thanks if for my sake you will pleasure him. I rest

Your very affectionate friend,

FR. ST. ALBAN.

Graies Inne,
3 June, 1624.

TO THE DUKE OF BUCKINGHAM.[1]

My Lord,

I am now full three years old in misery, neither hath there been any thing done for me, whereby I might die out of ignominy or live out of want. But now that your Grace (God's name be praised for it) hath recovered your health,[2] and are comen to the court, and the parliament business hath also intermission, I firmly hope your Grace will deal with his Majesty, that as I have tasted of his mercy I may also taste of his bounty. Your Grace, I know, for a business of a private man, cannot win yourself more honour; and I hope I shall yet live to do you service. For my fortune hath (I thank God) made no alteration in my mind but to the better. I ever humbly rest

Your Grace's most obliged,
and faithful servant,

FR. ST. ALBAN.

If I may know by two or three words from your Grace, that you will set in for me, I will propound somewhat that shall be modest, and leave it to your Grace whether you will move his Majesty yourself or recommend it to some of your Lordship's friends that wish me well; as my Lord of Arundel, or Secretary Conway, or Mr. James Maxwell.

TO THE DUKE OF BUCKINGHAM.[3]

Excellent Lord,

I understand by Sir John Suckling that he attended yester-

[1] Gibson Papers, vol. viii. f. 200. Rough draft in Bacon's hand. No fly-leaf. Indorsed, "To D. Buck. 19 June, 1624."

[2] He had been ill at New-hall since the beginning of June. See S. P. Dom. vol. clxvii. nos. 3, 16, 18, 28, 58, 65. Vol. clxviii. no. 8.

[3] Gibson Papers, vol. viii. f. 201. Very rough copy in Bacon's hand. No fly-leaf. Indorsed, "To Buck. 30 June, 1624."

day at Greenwich, hoping according to your Grace's appointment to have found you there and received your Grace's pleasure touching my suit, but missed of you; and this day he sitteth upon the subsidy at Braynfoorth,[1] and shall not be at court this week; which causeth me to use these few lines to hear from [your] Grace, I hope, to my comfort; humbly praying pardon if I number thus the days, and that misery should exceed[2] modesty. I ever rest

Your Grace's most faithful
and obliged servant,
FR. ST. ALBAN.

30 June, 1624.

AN HUMBLE PETITION OF THE LORD ST. ALBANS TO HIS MAJESTY.[3]

That whereas your supplicant is now three years old in misery, during which time he hath tasted of your Majesty's mercy, but not of your bounty, which his services past and necessity present may implore,

Your Majesty of your grace will so far compassionate your supplicant as to give order that he may have three years' payment of his pension beforehand; which in effect is but a borrowing. And this may enable him to overcome his debts, but then because he shall want for his present maintenance, your Majesty will also be pleased during those three years, till his pension run again, to discharge him of the rent of 1,000*l.* reserved upon his farm of petty writs.

And your supplicant shall (as ever) pray for your Majesty's health and happiness.

To SIR RICHARD WESTON, CHANCELLOR OF THE EXCHEQUER.[4]

Mr. Chancellor,

This way by Mr. Myn, besides a number of little difficulties it hath, amounteth to this, That I shall pay interest for mine own money. Besides I must confess I cannot bow my mind to be a

[1] Brentford, I believe. [2] First written, "should make me exceed."
[3] Additional MSS. 5504, f. 109.
[4] Gibson Papers, vol. viii. f. 203. Fair copy in Bacon's hand. No fly-leaf. Indorsed, "To Sir R. Weston, Chancellor of the Exchequer."

suitor, much less a shifter, for that means which I enjoy by his Majesty's grace and bounty. And therefore I am rather ashamed of that I have done than minded to go forwards, so that I leave it to yourself what you think fit to be done in your honour and my ease, resting

Your very loving friend,
FR. ST. ALBAN.

London, this 7th of July, 1624.

TO THE DUKE OF BUCKINGHAM.[1]

Excellent Lord,

Now that your Grace hath the King private and at better leisure, the noise of soldiers, ambassadors, parliaments, a little ceasing, I hope you will remember your servant; for at so good a time, and after so long a time, to forget him were almost to forsake him. But, howsoever I shall still remain

Your Grace's most obliged
and faithful servant,
FR. ST. ALBAN.

I am bold to put into my good friend Sir Tobie Matthew's hand, a copy of my petition, which your Grace had sent by Sir John Suckling.

TO THE KING.[2]

Most gracious and dread Sovereign.

Before I make my petition to your Majesty, I make my prayers to God above, *pectore ab imo*, that if I have held anything so dear as your Majesty's service, nay your heart's ease, and your honour's, I may be repulsed with a denial. But if that hath been the principal with me, that God, who knoweth my heart, would move your Majesty's royal heart to take compassion of me and to grant my desire.

I prostrate myself at your Majesty's feet; I, your ancient servant, now sixty-four years old in age, and three years five months old in misery. I desire not from your Majesty means, nor place, nor employment, but only, after so long a time of

[1] Gibson Papers, vol. viii., f. 203. Fair copy in Bacon's hand. Docketed, "To Buckingh^m, August, 1624." This seems to have been meant to go, but there is a great blot on the paper—in consequence of which probably he wrote it over again and kept this.

[2] Stephens's first collection. Not said whence.

expiation, a complete and total remission of the sentence of the Upper House, to the end that blot of ignominy may be removed from me, and from my memory with posterity; that I die not a condemned man, but may be to your Majesty, as I am to God, *nova creatura*. Your Majesty hath pardoned the like to Sir John Bennet,[1] between whose case and mine (not being partial to myself, but speaking out of the general opinion) there was as much difference, I will not say as between black and white, but as between black and grey, or ash-coloured. Look therefore down, dear Sovereign, upon me also in pity. I know your Majesty's heart is inscrutable for goodness; and my Lord of Buckingham was wont to tell me you were the best natured man in the world; and it is God's property, that *those he hath loved, he loveth to the end*. Let your Majesty's grace, in this my desire, stream down upon me, and let it be out of the fountain and spring-head, and *ex mero motu*, that, living or dying, the print of the goodness of King James may be in my heart, and his praises in my mouth. This my most humble request granted, may make me live a year or two happily; and denied, will kill me quickly. But yet the last thing that will die in me, will be the heart and affection of

Your Majesty's most humble,
and true devoted servant,
FR. ST. ALBAN.

KING JAMES HIS LETTER TO HIS TRUSTY AND WELL-BELOVED, THOMAS COVENTRY OUR ATTORNEY-GENERAL.[2]

Trusty and Well-beloved, we greet you well: Whereas our right trusty and right well-beloved cousin, the Viscount of St. Alban, upon a sentence given in the Upper House of Parliament

[1] S.P. vol. clxvii, no. 66. Conway to Coventry, 14th June, 1624, "To draw a pardon for Sir John Bennet of all fines, &c., in matters for which he was questioned by Parliament, and has since been proceeded against." (Cal. p. 275.) Parliament having been dissolved before the conclusion of his case, he had been prosecuted and sentenced in the Star Chamber.

[2] 'Cabala,' ed. 1663, p. 270. This is the heading as it stands in the 'Cabala.' The editor who first introduced the document into Bacon's works substituted the words, "In answer to the foregoing by King James." But for this I find no authority, and as I am informed by Mr. Gardiner that no traces of Bacon's pardon are to be found either on the Patent Rolls from 1623 to his death, or in the Signet Office Docquet books, I conclude that this was only the answer which he wished for and drew up for the King to sign: but that it never was signed. We shall meet further on with a letter written after James's death, which proves conclusively that up to that time no such pardon had passed.

full three years since, and more, hath endured loss of his place, imprisonment and confinement also for a great time, which may suffice for the satisfaction of justice, and example to others: We being always graciously inclined to temper mercy with justice, and calling to mind his former good services, and how well and profitably he hath spent his time since his troubles, are pleased to remove from him that blot of ignominy which yet remaineth upon him, of incapacity and disablement; and to remit to him all penalties whatsoever inflicted by that sentence. Having therefore formerly pardoned his fine, and released his confinement; these are to will and require you to prepare for our signature a bill containing a pardon in due form of law of the whole sentence; for which this shall be your sufficient warrant.

From the next letter we may infer that the clause in the Parliamentary sentence which declared Bacon "for ever incapable of any office, place, or employment in the state or commonwealth" did not deprive him of the office of High Steward of the Town of Cambridge: also that he had another severe illness in August, 1624.

TO MY VERY LOVING FRIENDS THE MAYOR, &c., OF CAMBRIDGE.[1]

Whereas I am given to understand that there are some differences lately risen between the now Mayor and Aldermen and other the members of that Corporation touching the election of the Mayor next to succeed, wherein all parties have, according to charter, appealed to me as their High Steward; forasmuch as I have but even newly recovered some degree of health, after a sharp sickness of some weeks, I am constrained to put off the hearing till Monday the 20th of this instant, at my lodgings at Gray's-Inn, &c. From Gray's-Inn, this 8th of September, 1624.

Your very loving friend,

FR. ST. ALBAN.

The letter from Buckingham which follows appears to convey the King's answer to the Petition, which had been forwarded to him through Sir John Suckling some time in July.

[1] Cole MSS. Mus. Brit. vol. xx. f. 229.

To the Lord St. Alban.[1]

My noble Lord,

The hearty affection I have borne to your person and service, hath made me ever ambitious to be a messenger of good news to you, and an eschewer of ill; this hath been the true reason why I have been thus long in answering you; not any negligence in your discreet modest servant you sent with your letter, nor his who now returns you this answer, oft-times given me by your master and mine; who though by this may seem not to satisfy your desert and expectation, yet, take the word of a friend who will never fail you, hath a tender care of you, full of a fresh memory of your by-past service. His Majesty is but for the present, he says, able to yield unto the three years' advance, which if you please to accept, you are not hereafter the farther off from obtaining some better testimony of his favour worthier both of him and you, though it can never be answerable to what my heart wishes you, as

Your Lordship's humble servant,
G. Buckingham.

To the Duke of Buckingham.[2]

Excellent Lord,

I am infinitely bound to your Grace for your late favours. I send your Grace a copy of your letter[3] signifying his Majesty's pleasure, and of the petition. The course (I take it) must be, to make a warrant for the execution of the same, by way of reference to Mr. Chancellor of the Exchequer and Mr. Attorney. I most humbly pray your Grace (likewise) to prostrate me at his Majesty's feet, with most humble thanks for the grant of my petition: Whose sweet presence since I discontinued, methinks I am neither amongst the living, nor amongst the dead.

I cannot but likewise gratulate his Majesty the extreme prosperous success of his business since this time twelvemonth. I know I speak it in a dangerous time, because the die of the Low Countries is upon the throw. But yet that is all one. For if it should be a blow (which I hope in God it shall not) yet it would have been ten times worse if former courses had not been taken. But this is the raving of an hot ague.

[1] Harl. MSS. 7000, f. 73. Original: own hand. Docketed, "The Duke of Buckingham his letter;" and below, "Letters to my Lord."

[2] Gibson Papers, vol. viii. f. 204. Copy, not in Bacon's hand, but signed by him. It seems to have been meant to go, for it has been folded and sealed and superscribed "To the Duke."

[3] This I suppose to have been Buckingham's last letter. The object of sending him a copy of it would be to enable him to give proper directions for drawing the warrant.

God evermore bless his Majesty's person and designs; and likewise make your Grace a spectacle of prosperity, as you have hitherto been.

Your Grace's most faithful and obliged,
and by you revived servant,
FR. ST. ALBAN.

Grey's-Inn, 9th of
Oct., 1624.

TO THE DUKE OF BUCKINGHAM.[1]

Excellent Lord,

I have received the warrant, not for land[2] but for the money, which if it may be speedily served, is sure the better. For this I humbly kiss your Grace's hands. But because the Exchequer is thought to be somewhat barren, although I have good affiance of Mr. Chancellor, yet I hold it very essential (and therein I most humbly pray your Grace's favour) that you would be pleased by your letter to recommend to Mr. Chancellor the speedy issuing of the money by this warrant, as a business whereof your Grace hath an especial care; The rather for that I understand from him, there be some other warrants for money to private suitors at this time on foot. But your Grace may be pleased to remember this difference: that the other are mere gifts; this of mine is a bargain, with an advance only.

I most humbly pray your Grace likewise to present my most humble thanks to his Majesty. God ever guide you by the hand. I always rest

Your faithful and more and more obliged servant,
FR. ST. ALBAN.

Gray's-Inn, this 17th of
November, 1624.

I most humbly thank your Grace for your Grace's favour to my honest deserving servant.

2.

Here follows an interval of six months during which we have no

[1] Fortescue Papers. The original, but not in his own hand.

[2] This allusion to "land," of which there is no mention in the previous letters, seems to imply that some further correspondence had passed, which has not been preserved.

letter or other occasional work of Bacon's composition, and know little or nothing of his employments; except that he published in December two very small volumes, both composed for occupation in a fit of sickness, and both well chosen for the purpose, though of little importance: namely, his collection of "Apophthegms, new and old," in which he amused himself with dictating from memory as many memorable sayings as he could recollect, and his "translation of certain Psalms," in which he turned six or seven of the Psalms of David into English verse—almost his first attempt in the art. Fitter exercises could not have been chosen when work of some kind was wanted, and all excitement or strain of mind was to be avoided; nor is there anything in the execution of either to require explanation or cause surprise. The only wonder is that he should have thought these worth *publishing*, while he had by him in manuscript so many things of more importance in every way. My own conjecture was that he did not like to publish in an imperfect shape things of more serious import, as long as he could hope to perfect them: but that he owed money to his printer and bookseller, and if such trifles as these would help to pay it, he had no objection to the use of them for that purpose.[1] And though Mr. Grosart protests against such a supposition as far as the Psalms are concerned, observing that they were not printed by his usual printer nor published by his usual publisher,[2] I am still inclined to think it the most probable explanation. Even if it could be shown that the new firm did not inherit the business of the old, which does not seem at all improbable,[3] the explanation might still be substantially true. The first edition of the "Essays" (a small 8vo volume, containing less matter than the Apophthegms, and only about three times as much as the Psalms), had been found to be worth reprinting many times over, and Bacon's name as an author had rather gained than lost in value since. Any work by him of a popular character, a moderate price, and in English, would be sure to be worth something in the market; and whether the printer took it payment of a debt due to himself, or paid for it in money which would help to discharge other debts, the motive for publishing would be intelligible and sufficient either way.

[1] Preface to the "Translation of Certain Psalms," vol. vii. p. 265.

[2] *The Fuller worthies' library miscellanies. Lord Bacon's poems.* By the Rev. Alexander B. Grosart. 1870. Introduction, p. 7.

[3] The *Historia Ventorum* (1622) was printed by Jo. Haviland for Matthew Lownes and William Barret. The *Historia Vitæ et Mortis* (1623) was printed by Jo. Haviland for Matthew Lownes. The *Apophthegms* and *Psalms* (1625) were printed for Hanna Barret and Richard Whittaker. The names seem to me to suggest that there may have been, rather than to show that there could not have been, a connexion between the firms.

Of his correspondence during these months the only traces I find are in Stephens's catalogue, and they are very few. Of the entries which bear no date, some may possibly belong to this period; but without the dates the descriptions are too brief to tell us. There is one, however, of a letter addressed to Buckingham on the 30th of January, 1624–5, the description of which is only too significant, showing that Bacon was still obliged to play the part of an importunate supplicant for some still unsatisfied suit. The contents are described as "pressing him to be mindful of his misery."[1] His misery meant his pecuniary difficulties,—the straits he was in to find means to satisfy his creditors and provide for his inevitable expenses. His earlier biographers, with the best intentions but I think with an unfortunate effect, have endeavoured to draw a veil over this aspect of his case. Dr. Rawley avoided the subject;[2] and Tenison went so far on one occasion as to alter the wording of a letter in which a degree of poverty seemed to be acknowledged more than became a gentleman. Where Bacon had written to the King that he had "spread the remnants of his former fortune in plate or jewels upon poor men unto whom he owed,—scarce leaving himself bread," Tenison struck out "bread" and substituted "a convenient subsistence."[3] But Bacon could find no comfort in

[1] The opening words were "I understand by Sir H.," probably Sir Humphrey May, and possibly referring to the occasion when Sir H. sent Bacon word that Buckingham had "thanked him for being so forward for him." See letter to Sir H. a little further on.

[2] In a book published in France about the end of the last century, a passage on this subject is quoted as if from Rawley, about which there must certainly be some mistake. The book is entitled "Le Christianisme de François Bacon, Chancelier d'Angleterre, ou Pensées de ce grand homme sur la Religion. A Paris, an. vii." The passage in question occurs in a note, vol. i., p. 174. "Voici les termes de Rawley, qui etoit un des légataires de Bacon. Neque est quod ullam ei post remotionem familiaris rei tenuitatem objicere velit: constat enim post hanc nihil quicquam horum quæ ad status magnificentiam fecissent defuisse, sed ita nihilominus vixisse, ut Jovi ipsi de felicitate controversiam facere velle visus fuerit, virtutis omnis, pietatis, humanitatis, patientiæ imprimis, exemplum maxime honorabile."

I do not know where this passage is to be found; but if it was really written by Dr. Rawley there must be a mistake in the word *defuisse*. He must have meant, not that the means of living in his former state were not wanting to him after his fall; but that the want was not felt: it did not prevent him from being an example of felicity, through a life of virtue, piety, humanity, and patience. But I rather suppose that the passage was the composition of some biographer who confused Rawley with Peter Böener;—who returned to Holland in 1623, and *was* under the impression that Bacon recovered his fortune after he left him. "His means," he says, "afterwards changed to what they once were, *and then he kept the same state*." (Athenæum, June 10, 1871). Böener went upon hearsay, and may easily have believed this. Rawley knew that it was not so. The concluding clause of the extract is almost a translation from Böener. See the words quoted near the end of this chapter, p. 576.

[3] See *Baconiana*, p. 49, and compare the other copies of the letter,—the rough draught, the fair copy, the copy in the 'Cabala,' and the copy in Matthew's collection,—all of which have "bread."

euphemisms like that. He liked to call things by their true names. The condition of a man who having lived in luxury finds himself in age and sickness at a loss for means to pay his baker and butcher is truly described as a miserable condition; and a frank recognition of the fact adds a deeper and more pathetic significance to an anecdote for which we are indebted to Tenison himself, and which, though the circumstances do not enable us to date it exactly, belongs probably to this period.

"Whilst I am speaking of this work of his Lordship's of *Natural History*, there comes to my mind a very memorable relation, reported to me by him who bore a part in it, the Reverend Dr. Rawley. One day his Lordship was dictating to that Doctor some of the experiments in his *Sylva*. The same day he had sent a friend to Court to receive for him a final answer touching the effect of a grant which had been made him by King James. He had hitherto only hope of it and hope deferred; and he was desirous to know the event of the matter, and to be freed, one way or other, from the suspense of his thoughts. His friend returning told him plainly that he must thenceforth despair of that grant, how much soever his fortunes needed it. *Be it so*, said his Lordship; and then he dismissed his friend very cheerfully, with thankful acknowledgments of his service. His friend being gone, he came straightway to Dr. Rawley, and said thus unto him. *Well, Sir, yon business won't go on: let us go on with this, for this is in our power*. And then he dictated to him afresh for some hours, without the least hesitancy of speech or discernible interruption of thought."[1]

If it had been a refusal of something more to a man who had enough, the thing would hardly have been worth mentioning: in one who was struggling for subsistence, such equanimity in such a case was less easy. "But let me tell you," says his apothecary and secretary, Peter Böener, who was in his service till the beginning of 1623, "that though his fortune may have changed, yet I never saw any change in his mien, his words, or his deeds towards any man: *Ira enim hominis non implet justitiam Dei*: but he was always the same both in sorrow and in joy, as a philosopher ought to be."[2]

There is one other entry of a letter to Buckingham under the date of the 31st March, 1625—shortly after King James's death, who died on the 27th—described as "begging his intercession with the new King;" and beginning with the words "King Charles." But with these exceptions I do not think there are any which can be assigned with confidence to this half-year.

3.

This blank in the correspondence is tantalising; for that half-year

[1] 'Baconiana,' p. 45. [2] Athenæum of June 10, 1871.

was full of important events. The "extreme prosperous success of his Majesty's business" during the twelve months preceding, upon which Bacon had congratulated with him on the 9th of October, 1624,—alluding I suppose to the progress of his negotiations with France, Sweden, Denmark, and the States, for combined action in Germany,—had been followed by a military disaster which ruined all. Through some unaccountable want of care or forethought on the part of somebody, the 12,000 men who were to have marched through France to join Mansfeldt arrived at Calais before any orders had been received for allowing them to land; and being thereupon taken to Zealand, met again with obstructions which detained them till half of their number had been carried off by pestilence. And so had ended the enterprise for the recovery of the Palatinate, and whatever hopes went with it. Soon after, the old King died,[1] and the new King lost no time in summoning a new Parliament, which was to have met on the 7th of May, though his approaching marriage delayed the meeting for five or six weeks. Buckingham had been sent to Paris to bring the bride; and the next letter of Bacon's which has come down to us was written shortly before his return.[2]

As far as his own fortunes were concerned, circumstances could hardly change but for the better; and in this change there were two or three points in his favour. The sympathy which the Prince had shown for him during his impeachment, together with the admiration which he had expressed of his historical work, promised him a new friend on the throne. The French ambassador who was coming over with the Queen had been inspired by his works and reputation with so great a reverence for him that he asked leave to address him as a father. Buckingham, though their personal intercourse seems to have been at an end, professed himself in his letters as kindly disposed as ever; and Sir Humphrey May, Chancellor of the Duchy, a distinguished member of the House of Commons and a man of influence at Court, was a private friend.[3] It might have seemed therefore that the new time would bring a better chance of attention to his case. But the accidents were still against him. The business of the marriage was hardly over, when Charles had to appeal to a new House of Commons for means to carry out the great enterprise which the last House had promised, amid acclamations and waving of hats, to support with the lives and fortunes

[1] 27 March, 1625. [2] 12 June, 1625.

[3] There is a note in Stephens's catalogue of a letter from Bacon to Sir Humphrey May, not dated, but beginning "The presence of a friend," and described as 'begging his assistance with the new King:' and another dated 1625 but without any month-date, "for assistance in getting in his arrears," beginning "I would be glad."

of all whom it represented: and the response which he met with gave him so much to think of on his own account that he had no time to think of Bacon; though if he had thought of asking his advice and following it, it might have been better for him.

The following letters, written about the period of the meeting of Charles's first Parliament, shew the state of his hopes at that time, as far as his own fortunes were concerned. What he thought of the public fortunes and the position of the Government,—from which, after the dissolution of that Parliament on the 12th of August, and the measures which followed, he could not, I think, have derived any shadow of consolation,—nothing remains to tell us.

To the Chancellor of the Duchy, Sir Humphrey May.[1]

Good Mr. Chancellor,

I do approve very well your forbearance to move my suits, in regard the Duke's return is so near at hand, which I thought would have been a longer matter: and I imagine there is a *gratiastitium* till he come. I do not doubt but you shall find his Grace nobly disposed. The last time that you spake with him about me, I remember you sent me word he thanked you for being so forward for me. Yet I could wish that you took some occasion to speak with him, generally, to my advantage, before you move to him any particular suit; and to let me know how you find him.

My Lord Treasurer sent me a good answer touching my monies. I pray you continue to quicken him, that the King may once clear with me. A fire of old wood needeth no blowing; but old men do. I ever rest

Your's to do you service.

To the Marquis d'Effiat, the French Ambassador.[2]

Mons. l'Ambassadeur mon filz,

Vous scavez que le cõencement est la moytié du fait. Voyla pourquoy je vous ay escrit ce petit mot de lettre, vous priant de vous souvenir de vostre noble promesse de me mettre

[1] Gibson Papers, vol. viii. f. 278. Copy. No fly-leaf. Indorsed, "To Chancellor of ye Duchy. Gor: 1625."

[2] Gibson Papers, vol. viii. f. 148. Fairly written in Bacon's printing hand. No fly-leaf. Indorsed "To the French Ambassador Fiat."

en la bonne grace de nostre tres-excellente Royne, et m'en faire recevoir quelque gracieuse demonstration. Vostre Excᵉ prendra auxi, s'il vous plaist, quelque occasion de prescher un peu à mon advantage en l'oreille du Duc de Buckingham en general. Dieu vous ayt en sa saincte garde.

Vostre tres-affectionné &
tres-humble serviteur,
FR. ST. ALBAN.

Jun. 18, 1625.

Among the entries in Stephens's catalogue there is one of a letter addressed to Buckingham on the 3rd of July, 1625, beginning "I am loath to complain," and described as "finding fault with the Lord Treasurer." This must have been the Lord Treasurer Ley, to whom the next letter is addressed, — probably on the same subject.

TO THE LORD TREASURER LEA.[1]

My Lord,

I humbly intreat your Lordship, and (if I may use the word) advise your Lordship to make me a better answer. Your Lordship is interessed in honour, in the opinion of all that hear how I am dealt with. If your Lordship malice me for Long's[2] cause, surely it was one of the justest businesses that ever was in Chancery. I will avouch it; and how deeply I was tempted therein, your Lordship knoweth best. Your Lordship may do well[3] to think of your grave as I do of mine; and to beware of hardness of heart. And as for fair words, it is a wind by which neither your Lordship nor any man else can sail long. Howsoever, I am the man that shall give all due respects and reverence to your great place.

FR. ST. ALBAN.

20 June, 1625.[4]

TO SIR ROBERT PYE.[5]

Good Sir Robert Pye,

Let me intreat you to dispatch that warrant of a petty sum, that it may help to bear my charge of coming up to London.

[1] Add. MSS. 5503.
[2] In Matthew's copy. "for such a cause."
[3] In Matthew's copy "may do well in this great age of yours."
[4] No date in Matthew's copy.
[5] Gibson Papers, vol. viii. f. 206. Copy. Docketed, "To Sir Robert Pye. Gor. 1625."

The Duke you know loveth me, and my Lord Treasurer standeth now towards me in very good affection and respect.[1] You, that are the third person in these businesses, I assure myself, will not be wanting; for you have professed and shewed, ever since I lost the seal, your good will towards me. I rest

Your affectionate and assured friend.

The letter to the Earl of Dorset[2] which follows is noticeable chiefly as being a letter *from* Bacon on behalf of a suitor. Being written without either preface or postscript of apology, it may be presumed to be the sort of letter which a neighbour or a friend would in those days naturally write in such a case; and it will be seen how much it resembles one of Buckingham's letters to himself on like occasions. I suppose nobody will suspect that it was written with any intention to dictate decrees or interfere with justice.

To the Earl of Dorset.[3]

My very good Lord,

This gentleman, the bearer hereof (Mr. Colles by name) is my neighbour. He is[4] a civil young man. I think he wanteth no mettle, but he is peaceable. It was his hap to fall out with Mr. Matthew Francis, sergeant at arms, about a toy; the one affirming that a hare was fair killed, and the other foul. Words multiplied, and some blows passed on either side. But since the first falling out the sergeant hath used towards him divers threats and affronts, and which is a point of danger, sent to him a letter of challenge: but Mr. Colles, doubting the contents of the letter, refused to receive it. Motions have been made also of reconcilement or of reference to some gentlemen of the country not partial: but the sergeant hath refused all, and now at last sueth him in the Earl Marshal's court. The gentleman saith he distrusteth not his cause upon the hearing, but would be glad to avoid restraint or long and chargeable attendance. Let me therefore pray your good Lordship to move the noble Earl[5] in

[1] If the change was due to Bacon's letter of complaint to Buckingham (the missing letter), this must have been written after the 3rd of July, 1625.

[2] Sir Edward Sackville became Earl of Dorset on the 28th of March, 1624, by the death of his brother.

[3] Gibson Papers, vol. viii. f. 207. Copy, hastily written. No fly-leaf. Indorsed, "To E. Dorset. Gor. 1625."

[4] First written "He is commended for," but a line is drawn through the two last words.

[5] The Earl of Arundel, then Earl Marshal.

that kind to carry a favourable hand towards him, such as may stand with justice and the orders of that court. I ever rest

Your Lordship's faithful friend and servant.

4.

The Plague had been raging in London all this summer, and Bacon himself (who appears to have remained at Gorhambury) had been visited at the same time with a "dangerous and tedious sickness." If this was the "gravissimus morbus" of which he speaks in the next letter as one from which he has not yet recovered (and the expression suits it well, though sicknesses were now too frequent with him to serve for dates)[1] we may suppose it to have been written in the autumn of 1625, and place it here without much risk of error. It was first printed by Rawley among the *Opuscula* (1658), and is our principal authority for the condition of the *Instauratio* at this time, and for his plans and hopes regarding it and his other writings.

It is some consolation in this dreary time to know that his belief in the value and virtue and final success of that enterprise was never shaken. His earthly comforts were growing colder and colder. The hopes which he had indulged, first of a comfortable provision for a life of study, then of help to overcome his debts, and lastly of bare means "to live out of want and die out of ignominy," had one by one fallen away and left him desolate. But that the "mine of truth" which he was opening would keep its promise, and that Man would thereby in some future generation be the master of Nature and her forces, was a hope which continued with him to the end, and so refreshed and sustained his spirit that if the compositions of his last years are distinguishable at all from those of his prime, it is rather by their greater conciseness, solidity, and rapidity of style than by any signs of exhaustion or decay; and how far he was from feeling any abatement of mental power and activity we may gather from the quantity and nature of the work still lying before him which he speaks of as intending and expecting to get it done. For though he leaves the sixth and concluding part of the 'Instauration'—the *Philosophia Secunda*—to Posterity, as a thing which must wait for the third,—the collection of Natural History; and though he commends the third to Kings, Popes, or Colleges, as beyond the industry and endeavour of a private man; yet the remainder of the second part, which was to complete the description of the *Novum Organum*, or

[1] It may have been the "sharp sickness of some weeks" from which he had "newly recovered" on the 8th of September, 1624. See above p. 520.

new logical machinery,—as well as the whole of the fourth, which was to contain examples of its correct use and application, and the whole of the fifth which was to consist of his own provisional speculations—"anticipations," as he called them—in natural philosophy,—could be supplied by no hand but his own: and of these he shows no signs of despairing. Life and health and leisure being allowed, he does not seem to have apprehended any want of faculty or spirit or courage.

Epistola ad Fulgentium.[1]

Reverendissime P. Fulgenti,

Fateor me literarum tibi debitorem esse: suberat excusatio justa nimis; implicatus enim fueram gravissimo morbo, a quo necdum liberatus sum. Volo Reverentiæ tuæ nota esse consilia mea de scriptis meis, quæ meditor et molior: non perficiendi spe, sed desiderio experiundi; et quia posteritati (sæcula enim ista requirunt) inservio. Optimum autem putavi ea omnia, in Latinam linguam traducta, in tomos dividere. Primus tomus constat ex libris 'De Augmentis Scientiarum:' qui tamen, ut nosti, jam perfectus et editus est, et partitiones scientiarum complectitur; quæ est 'Instaurationis' meæ pars prima. Debuerat sequi 'Novum Organum;' interposui tamen scripta mea moralia et politica, quia magis erant in promptu. Hæc sunt: primo, 'Historia regni Henrici septimi Regis Angliæ;' deinde sequetur libellus ille, quem vestra lingua 'Saggi Morali' appellastis. Verum illi libro nomen gravius impono, scilicet ut inscribatur, 'Sermones fideles, sive Interiora rerum.' Erunt autem sermones isti et numero aucti et tractatu multum amplificati. Item continebit tomus iste libellum 'De Sapientia Veterum:' atque hic tomus (ut diximus) interjectus est, et non ex ordine 'Instaurationis.' Tum demum sequetur 'Organum Novum;' cui secunda pars adhuc adjicienda est; quam tamen animo jam complexus et metitus sum. Atque hoc modo secunda pars Instaurationis absolvetur. Quod ad tertiam partem Instaurationis attinet, Historiam scilicet Naturalem, opus illud est plane regium aut papale, aut alicujus collegii aut ordinis; neque privata industria pro merito perfici potest. At portiones

[1] 'Opuscula,' p. 172. Father Fulgentio, according to Tenison (*Baconiana*, p. 101) was "a divine of the republic of Venice, and the same who wrote the life of his colleague the excellent Father Paul."

illæ quas jam in lucem edidi, 'De Ventis,' 'De Vita et Morte,' non sunt historia pura, propter axiomata et observationes majores interpositas; sed genus scripti commistum ex historia naturali et machina intellectus rudi et imperfecta; quæ est Instaurationis pars quarta. Itaque succedet illa ipsa quarta pars, et multa exempla machinæ continebit magis exacta, et ad inductivas regulas magis applicata. Quinto sequetur iste liber, quem 'Prodromum philosophiæ secundæ' inscripsimus; qui inventa nostra circa nova axiomata ab experimentis ipsis excitata continebit; ut tanquam columnæ jacentes sustollantur: quem posuimus Instaurationis partem quintam. Postremo, superest Philosophia ipsa Secunda, quæ est Instaurationis pars sexta; de qua spem omnino abjecimus: sed a sæculis et posteritate fortasse pullulabit. Attamen in Prodromis (iis dico tantum, quæ ad universalia naturæ fere pertingunt) non levia jacta erunt hujus rei fundamenta. Conamur (ut vides) tenues grandia: in eo tantum spem ponentes, quod videntur ista a Dei providentia et immensa bonitate profecta. Primo, propter ardorem et constantiam mentis nostræ, quæ in hoc instituto non consenuit, nec tanto temporis spatio refrixit. Equidem memini me, quadraginta abhinc annis, juvenile opusculum circa has res confecisse, quod magna prorsus fiducia et magnifico titulo 'Temporis Partum Maximum' inscripsi.[1] Secundo, quod propter infinitam utilitatem Dei Opt. Max. auctoramento gaudere videatur.

Commendatum, rogo, me habeat Reverentia vestra illustrissimo viro Domino Molines, cujus suavissimis et prudentissimis literis quam primum, si Deus volet, rescribam. Vale, P. reverendissimæ.

Reverentiæ tuæ amicus addictissimus,

FR. ST. ALBAN.[2]

[1] This was probably the work of which Henry Cuffe (the great Oxford scholar who was executed in 1601 as one of the chief accomplices in the Earl of Essex's treason) was speaking, when he said that "a fool could not have written it and a wise man would not." Bacon's intimacy with Essex had begun about 35 years before this letter was written.

[2] "Most reverend Father Fulgentio,

"I confess that I owe you a letter; but I had too good an excuse: for I was suffering under a very severe illness, from which I have not yet recovered. I wish to make known to your Reverence my intentions with regard to the writings which I meditate and have in hand; not hoping to perfect them, but desiring to try; and because I work for posterity; these things requiring ages for their accomplishment. I have thought it best, then, to have all of them translated into Latin and divided into volumes. The first volume consists of the books concerning the 'Advancement of Learning;' and this, as you know, is already finished and

5.

The illness which had interrupted Bacon's correspondence with Father Fulgentio was probably the same which delayed his answer to a letter received from the Queen of Bohemia during the prevalence of the plague; though there is a little difficulty about the date, because the two circumstances which taken together should have fixed it, do not quite agree. It professes to have been written as soon as he had recovered from "a dangerous and tedious sickness," coinciding with the plague in the city; which would suit October, 1625. But it enclosed a discourse, written (it says) "about two years since;" namely the "Discourse on a war with

published, and includes the partitions of the sciences; which is the first part of my 'Instauration.' The 'Novum Organum' should have followed: but I interposed my moral and political writings, as being nearer ready. These are: First, the 'History of the reign of Henry the Seventh King of England;" after which will follow the little book which in your language you have called *Saggi Morali*. But I give it a weightier name; entitling it 'Faithful Discourses—or the Inwards of things.' But these discourses will be both increased in number and much enlarged in the treatment. The same volume will contain also my little book on 'The Wisdom of the Ancients.' And this volume is (as I said) interposed, not being a part of the 'Instauration.' After this will follow the *Novum Organum*, to which there is still a second part to be added—but I have already compassed and planned it out in my mind. And in this manner the second part of the 'Instauration' will be completed. As for the third part, namely, the 'Natural History,' that is plainly a work for a King or Pope, or some college or order: and cannot be done as it should be by a private man's industry. And those portions which I have published, concerning 'Winds,' and concerning 'Life and Death,' are not history pure: because of the axioms and greater observations that are interposed: but a kind of writing mixed of natural history and a rude and imperfect intellectual machinery; which is the fourth part of the 'Instauration.' Next therefore will come the fourth part itself; wherein will be shown many examples of this machine, more exact and more applied to the rules of induction. In the fifth place will follow the book which I have entitled the 'Precursors of the Second Philosophy,' which will contain my discoveries concerning new axioms, suggested by the experiments themselves: that they may be raised as it were and set up, like pillars that were on the ground. And this I have set down as the fifth part of my 'Instauration.' Last comes the 'Second Philosophy' itself—the sixth part of the 'Instauration:' of which I have given up all hope; but it may be that the ages and posterity will make it flourish. Nevertheless in the 'Precursors'—those I mean which touch upon the universalities of nature—no slight foundations of this will be laid.

"*Conamur* (you see) *tenues grandia*. But my hope is in this,—that these things appear to proceed from the providence and infinite goodness of God. First because of the ardour and constancy of my own mind, which in this pursuit has not grown old nor cooled in so great a space of time: it being now forty years, as I remember, since I composed a juvenile work on this subject, which with great confidence and a magnificent title I named 'The Greatest Birth of Time.' Secondly because it seems, by reason of its infinite utility, to enjoy the sanction and favour of God, the all-good and all-mighty.

"Commend me, I beseech your Reverence, to the most illustrious gentleman, Signor Molines, to whose most agreeable and wise letter I will return an answer, God willing, as soon as I can.

"Farewell most reverend father,

"Your Reverence's most devoted friend,

"Fr. S. Alban."

Spain;" and this cannot, I think, have been written before March, 1624. I take it, however, to have been a slip of the memory, such as might easily happen in assigning a date which was of no importance; for the date of the plague is certain, while in a letter written from Gorhambury to Mr. Roger Palmer on the 29th of October, which I place next, he reports himself convalescent, and two letters (not preserved) which he wrote to Sir Thomas Coventry, one on the 23rd and one on the 28th, show that he had resumed his correspondence. "The first time," therefore, "that he found any degree of health" cannot be placed much later than this month.

Though the letters to Coventry have not come down to us, it appears from the reply that the first related to those articles in his petition formerly addressed to King James through Buckingham, upon which he had not received any explicit answer,—the reversion of his honours, and the release of his rent due to the Crown for the Farm of the Petty Writs during the years when his pension was not to run; and also to his old suit for the debt claimed for the Crown from his brother Sir Nicholas; which appears to have been granted, though it had not yet borne any fruit; the legal proceedings for the recovery of it having been interrupted by several accidents.

To Mr. Roger Palmer.[1]

Good Mr. Roger Palmer,

I thank God, by means of the sweet air of the country, I have obtained some degree of health.[2]

Sending to the court, I thought I would salute you: and I would be glad, in this solitary time and place, to hear a little from you how the world goeth, according to your friendly manner heretofore. Fare you well most heartily.

Your very affectionate and assured friend,

Fr. St. Alban.

Gorhambury, 29 Oct. 1625.

Sir Thomas Coventry, Attorney General, to the Lord Viscount St. Alban.[3]

My very good Lord,

I received from your Lordship two letters, the one of the 23rd, the

[1] Gibson Papers, vol. viii. f. 211. Copy. No fly-leaf. Indorsed, "to Mr. Roger Palmer."

[2] Among the entries in Stephens's catalogue to which nothing corresponding has been found, there is one which is especially tantalising. Date, "30 September, 1625," (beginning) "Your servant passing by," (subject) "An account of his country life," (address) "to the Earl of Dorset."

[3] Gibson Papers, vol. viii. f. 212. Original.

other of the 28th of this month. To the former, I do assure your Lordship that I have not heard any thing of any suit or motion, either touching the reversion of your honours or the rent of your farm of petty writs; and, if I had heard any thing thereof, I would not have been unmindful of that *caveat* which heretofore you gave me by former letters, nor slack to do you the best service I might.

The debt of Sir Nicholas Bacon resteth as it did: for in the latter end of King James his time I exhibited a *quo warranto* in the Exchequer touching that liberty against Sir Nicholas, which abated by his death; then another against Sir Edmund, which by the demise of the King and by reason of the adjournment of the last term hath had no farther proceeding, but that day is given to plead.

Concerning your other letter, I humbly thank your Lordship for your favourable and good wishes to me; though I, knowing mine own unaptness to so great an employment,[1] should be most heartily glad if his Majesty had or yet would choose a man of more merit. But if otherwise, humbleness and submission becomes the servant, and to stand in that station where his Majesty will have him.

But as for the request you make for your servant, though I protest I am not yet engaged by promise to any, because I held it too much boldness towards my master and discourtesy towards my Lord Keeper[2] to dispose of places while he had the seal, yet in respect I have some servants and some of my kindred apt for the place you write [of], and have been already so much importuned by noble persons when I lately was with his Majesty at Salisbury as it will be hard for me to give them all denial, I am not able to discern how I can accommodate your servant; though for your sake, and in respect of the former knowledge myself have had of the merit and worth of the gentleman, I should be most ready and willing to perform your desire, if it were in my power. And so, with remembrance of my service to your Lordship, I remain

At your Lordship's commandment,

THO. COVENTRY.

Kingsbury, Oct. 29, 1625.

TO THE QUEEN OF BOHEMIA.[3]

It may please your Majesty,

I have received your Majesty's gracious letter from Mr. Secretary Morton, who is now a saint in heaven.[4] It was at a

[1] That of the great seal, of which Sir Thomas Coventry was three days after made Lord Keeper, on the 1st of November, 1625. (Note by Birch).

[2] Bishop Williams, who had resigned the great seal, on the 25th of October, 1625, to Sir John Suckling, who brought his Majesty's warrant to receive it, dated at Salisbury on the 23rd of that month. (Note by Birch).

[3] 'Baconiana,' p. 187, entitled "The Lord Chancellor Bacon's letter to the Queen of Bohemia [in the year 1625] in answer to one from her Majesty, and upon sending to her his book about a War with Spain."

[4] He died of a fever, 6 Sept., 1625. S. P. Charles I., vol. vi. no. 33.

time when the great desolation of the plague was in the city, and when myself was ill of a dangerous and tedious sickness. The first time that I found any degree of health, nothing came sooner to my mind, than to acknowledge your Majesty's great favour, by my most humble thanks. And because I see your Majesty taketh delight in my writings (and to say the truth, they are the best fruits I now yield) I presume to send your Majesty a little discourse of mine, touching a War with Spain, which I writ about two years since; which the King your brother liked well. It is written without bitterness or invective, as King's affairs ought to be carried; but if I be not deceived, it hath edge enough. I have yet some spirits left, and remnant of experience, which I consecrate to the King's service and your Majesty's; for whom I pour out my daily prayers to God, that he would give your Majesty a fortune worthy your rare virtues; which, some good spirit tells me, will be in the end. I do in all reverence kiss your Majesty's hands, ever resting

Your Majesty's most humble and devoted servant,

FR. ST. ALBAN.

6.

The only work which Bacon *published* during this year was the third and last edition of the *Essays;* a copy of which he sent to the Marquis d'Effiat with the following letter:—

A LETTER OF THE LORD BACON'S IN FRENCH, TO THE MARQUIS FIAT, RELATING TO HIS ESSAYS.[1]

Monsieur l'Ambassadeur mon Fils,

Voyant que vostre Excellence faict & traite mariages, non seulement entre les Princes d'Angleterre & de France, mais aussi entre les langues (puis que faictes traduire mon livre de *l'Advancement des sciences* en Francois), j'ai bien voulu vous envoyer mon livre dernierement imprimé que j'avois pourveu pour vous; mais j'estois en doubte de le vous envoyer, pour ce qu'il estoit escrit en Anglois. Mais à cest' heure pour la raison susdicte je le vous envoye. C'est un *Recompilement de mes Essays Morales & Civiles;* mais tellement enlargiés & enrichiés, tant de nombre que de poix, que c'est de fait un œuvre nouveau. Je vous baise les mains, & reste

Vostre trés affectionée ami, & très humble serviteur.

[1] 'Baconiana,' p. 201.

Which of his posthumous writings were *composed* in 1625, it is not possible to determine: for Rawley, who enumerates them "as near as he can in the just order wherein they were written,"[1] does not attempt to give the dates, and does not speak with certainty. His list, if exact in itself, and exactly considered, would imply that the *Fable of the New Atlantis* came before the *De Augmentis;* which was published in the autumn of 1623: in which case one would have expected to find some mention of it in the letter to Father Fulgentio; being, though not a part of the 'Instauration,' yet a representation in vision of the state of things which the 'Instauration' was to bring about or make possible. But even without that, there remains enough to account for a year of very active literary occupation. The translations into Latin (upon which we have seen that in the summer of 1623, "his labours were most set")[2] are enough of themselves to fill a volume of 400 pages: while the *Essays* and the *Sylva Sylvarum* make another about as large.

7

Towards the end of this year the Government met with another great military mishap. The indifference of the House of Commons to the war, and their unreadiness to provide means for carrying it on, had not been accepted by the King as a reason for declining it. An expedition had been planned and a fleet prepared; and it was hoped that a brilliant action and an abundant spoil would re-awaken the warlike spirit of the people and make the government popular. It was intended apparently to be a repetition with improvements of the fortunate action of the Earl of Essex in 1596. The shipping in the harbour of Cadiz was again to be surprised and destroyed; while the homeward-bound fleet from the Indies was to be intercepted and (this time) not let slip. There does not seem to have been any reason for doubting the success on this occasion more than on that, except the want (consequent on a long peace) of practice and proof in such enterprises. Such a success would no doubt have made a vast improvement in the position and prospects of the government. But it was not to be. The expedition returned in two months with the loss of a thousand men, having effected nothing except a landing of the troops without opposition, followed by a precipitate re-embarkation before a stroke had been struck or an enemy seen; and without a single prize from the homeward-bound fleet, which sailed by in the night unobserved. The deaths had all been from pestilence. It must have been about the time of their

[1] See Works, vol i. p. 9.

[2] Letter to Matthew, 26 June, 1623.

return that Bacon wrote to Buckingham the following letter of congratulation on the birth of a son and heir; at the close of which I seem to perceive a hint, shyly and delicately conveyed, that his experience and advice might yet be of use to him.

The letter bears no date, and I should have inferred from the postscript that it was written about the 1st of January, 1625–6: but as the boy was born on the 17th of November, 1625,[1] it seems rather late for congratulations; and perhaps he thought the new year already near enough to be remembered;—the rather because he was not likely to have an excuse for writing again when it was nearer.

To THE DUKE OF BUCKINGHAM.[2]

Excellent Lord,

I could not but signify unto your Grace my rejoicing, that God hath sent your Grace a son and heir, and that you are fortunate as well in your house as in the state of the kingdom. These blessings come from God, as I do not doubt but your Grace doth with all thankfulness acknowledge, vowing to him your service. Myself, I praise his divine Majesty, have gotten some step into health. My wants are great; but yet I want not a desire to do your Grace service, and I marvel that your Grace should think to pull down the monarchy of Spain without my good help. Your Grace will give me leave to be merry, however the world goeth with me. I ever rest,

Your Grace's most faithful
and obliged servant, &c.

I wish your Grace a good new year.

8.

About this time the troubles of Bacon's own house were aggravated by a new and unexpected calamity. His wife, with whom he had lived for twenty years without any reproach that we know of on either side, gave him some grave offence. The nature of it is not known; for he never specified it himself, and Dr. Rawley in his biography makes no mention of any domestic difference, but speaks of their married life in terms which almost exclude the supposition of any.[3] But that she had in some way incurred his serious displeasure is a fact not to be disputed, being recorded by himself in his will, as a reason for revoking dispositions previously made in her

[1] Laud's diary, quoted by Birch. [2] Gibson Papers, vol. viii. f. 208. Copy.
[3] None of Bacon's letters to his wife have been preserved; which is not surprising; for they would not be such as he would make drafts or keep copies of;

favour. The expressions used by the historian Wilson, in speaking of their later relations, seem to reflect upon her fidelity; and her subsequent marriage with her gentleman-usher, taken along with the comments of contemporary satirists,[1] give some countenance to the scandal. If it was so, Bacon's conduct would be accounted for. But as nothing specific was laid to her charge either by himself or by any one with whom he had authority or interest, we are not entitled to say more than that she had done something which rendered her unworthy in his eyes of the benefits he had intended for her.

At what time the body of the will was drawn up it is impossible to know, but as it is not likely that he would leave it long unexecuted, the presumption is that the date of publication was near the time when this new calamity was added to his store.

The Last Will of Francis Bacon, Viscount St. Alban.[2]

First I bequeath my soul and body into the hands of God by the blessed oblation of my Saviour, the one at the time of my dissolution, the other at the time of my resurrection. For my burial, I desire it may be in St. Michael's church, near St. Alban's: there was my mother buried, and it is the parish church of my mansion house of Gorhambury, and it is the only christian church within the walls of old Verulam. I would have the charge of my funeral not to exceed three hundred pounds at the most.

For my name and memory, I leave it to men's charitable speeches, and to foreign nations, and the next ages. But as to that durable part of my memory, which consisteth in my works and writings, I desire my executors, and especially Sir John Constable and my very good friend Mr. Bosvile, to take care that of all my writings, both of English and of Latin, there may be books fair bound, and placed in the King's library, and in the library of the university of Cambridge, and in the library of

and if she kept the originals they would easily be lost or destroyed altogether. The only one of which I have found any trace is entered in Stephens's catalogue, as dated 8 September, 1615; beginning with the words "It does much grieve me;" having for its subject, "Advice about her health;" and addressed to "his Lady." Such a letter it seems was in existence in December, 1632.

[1] Compare Wilson, p. 159: Aubrey, vol. ii. p. 226 (where for 'danghter' we must certainly read 'widow'): and Braithwaite's "Honest Ghost," p. 239.

[2] E Regr. Curiæ Prærogat. Cantuar. extract. Blackbourne's edition of Bacon's Works, vol. ii. p. 559. The original Will is not now in Doctors' Commons, but appears to have been delivered out on the 30th of July, 1627.

Trinity College, where myself was bred, and in the library of Bennet College, where my father was bred, and in the library of the University of Oxonford, and in the library of my Lord of Canterbury, and in the library of Eaton.

Also whereas I have made up two register books, the one of my orations or speeches, the other of my epistles or letters, whereof there may be use; and yet because they touch upon business of state, they are not fit to be put into the hands but of some councillor, I do devise and bequeath them to the right honourable my very good lord the lord bishop of Lincoln, and the chancellor of his majesty's duchy of Lancaster. Also, I desire my executors, especially my brother Constable, and also Mr. Bosvile, presently after my decease, to take into their hands all my papers whatsoever, which are either in cabinets, boxes, or presses, and them to seal up until they may at their leisure peruse them.[1]

I give and bequeath unto the poor of the parishes where I have at any time rested in my pilgrimage, some little relief according to my poor means: to the poor of St. Martin's in the Fields, where I was born, and lived in my first and last days, forty pounds; to the poor of St. Michael's near St. Alban's, where I desire to be buried, because the day of death is better than the day of birth, fifty pounds; to the poor of St. Andrew's in Holborn, in respect of my long abode in Gray's-Inn, thirty pounds; to the poor of the abbey church parish in St. Alban's, twenty pounds; to the poor of St. Peter's there, twenty pounds; to the poor of St. Stephen's there, twenty pounds; to the poor of Redborn, twenty pounds; to the poor of Hempstead, where I heard sermons and prayers to my comfort in the time of the former great plague, twenty pounds; to the poor of Twickenham, where I lived some time at Twickenham park, twenty pounds. I intreat Mr. Shute of Lombard Street to preach my funeral sermon, and to him in that respect I give twenty pounds:

[1] Tenison appears to have had an earlier draft of this will. For in what he calls "a transcript out of the Lord Bacon's last will, relating especially to his writings," he gives the following passage, of which we have no trace here.

"But towards that durable part of memory which consisteth in my writings, I require my servant, Henry Percy, to deliver to my brother Constable all my manuscript-compositions, and the fragments also of such as are not finished; to the end that, if any of them be fit to be published, he may accordingly dispose of them. *And herein I desire him to take the advice of Mr. Selden, and Mr. Herbert, of the Inner Temple, and to publish or suppress what shall be thought fit.* In particular I wish the elegy which I writ *in felicem memoriam Elizabethæ*, may be published—" *Baconiana*, p. 203.

or if he cannot be had, Mr. Peterson, my late chaplain, or his brother.

Devises and legacies to my wife: I give, grant, and confirm to my loving wife, by this my last will, whatsoever hath been assured to her, or mentioned or intended to be assured to her by any former deed, be it either my lands in Hertfordshire, or the farm of the seal, or the gift of goods in accomplishment of my covenants of marriage; and I give her also the ordinary stuff at Gorhambury, as wainscot-tables, stools, bedding, and the like (always reserving and excepting the rich hangings with their covers, the table-carpets, and the long cushions, and all other stuff which was or is used in the long gallery; and also a rich chair, which was my niece Cæsar's gift, and also the armour, and also all tables of marble and towch). I give also to my wife my four coach geldings, and my best caroache, and her own coach mares and caroache: I give also and grant to my wife the one-half of the rent which was reserved upon Read's lease for her life; which rent although I intended to her merely for her better maintenance while she lived at her own charge, and not to continue after my death, yet because she has begun to receive it, I am content to continue it to her; and I conceive by this advancement, which first and last I have left her, besides her own inheritance, I have made her of competent abilities to maintain the estate of a viscountess, and given sufficient tokens of my love and liberality towards her; for I do reckon (and that with the least), that Gorhambury and my lands in Hertfordshire, will be worth unto her seven hundred pounds *per annum*, besides woodfells, and the leases of the houses, whereof five hundred pounds *per annum* only I was tied unto by covenants upon marriage; so as the two hundred pounds and better was mere benevolence; the six hundred pounds *per annum* upon the farm of the writs, was likewise mere benevolence; her own inheritance also, with that she purchased with part of her portion, is two hundred pounds *per annum* and better, besides the wealth she hath in jewels, plate, or otherwise, wherein I was never strait-handed. All which I here set down, not because I think it too much, but because others may not think it less than it is.

Legacies to my friends: I give unto the right honourable my worthy friend the marquis Fiatt, late lord ambassador of France,

my books of orisons or psalms curiously rhymed; I give unto the right honourable my noble friend Edward earl of Dorset, my ring, with the crushed diamond, which the king that now is gave me when he was prince; I give unto my right honourable friend the lord Cavendish, my casting-bottle of gold; I give to my brother Constable all my books, and one hundred pounds to be presented him in gold; I give to my sister Constable, some jewels, to be bought for her, of the value of fifty pounds; I give to Nall, her daughter, some jewels, to be bought for her, of the value of forty pounds; I give to my lady Cooke, some jewels to be bought for her, of the value of fifty pounds; and to her daughter, Ann Cooke, to buy her a jewel, forty pounds; and to her son, Charles, some little jewel, to the value of thirty pounds. I will also, that my executors sell my chambers in Gray's-Inn, which (now the lease is full) I conceive may yield some three hundred pounds: one hundred pounds for the ground story, and two hundred pounds for the third and fourth stories; which money, or whatsoever it be, I desire my executors to bestow for some little present relief, upon twenty-five poor scholars in both universities: fifteen in Cambridge, and ten in Oxonford. I give to Mr. Thomas Meautis, some jewel, to be bought for him, of the value of fifty pounds, and my foot-cloth horse. I give to my ancient good friend Sir Toby Matthews, some ring, to be bought for him, of the value of thirty pounds. I give to my very good friend Sir Christopher Darcy, some ring, to be bought for him, of the value of thirty pounds. I give to Mr. Henry Percy one hundred pounds. I give to Mr. Henry Goodricke, forty pounds. I give to my godson Francis Lowe son of Humphrey Lowe, one hundred and fifty pounds. I give to my godson Francis Hatcher son of Mr. William Hatcher, one hundred pounds. I give to my godson Francis Fleetwood son of Henry Fleetwood Esq., fifty pounds. I give to my godson Philipps son of auditor Philipps, twenty pounds: I give to every of my executors, a piece of plate of thirty pounds value.

Legacies to my servants now, or late servants: I give to my servant Robert Halpeny four hundred pounds, and the one-half of my provisions of hay, firewood, and timber, which shall remain at the time of my decease: I give to my servant Stephen Paise three hundred and fifty pounds, and my bed with the appurtenances, bed-linen and apparel-linen, as shirts, pillow-

biers, sheets, caps, handkerchiefs, *etc.* I give to my servant Wood three hundred and thirty pounds, with all my apparel, as doublets, hose; and to his wife ten pounds: I give to my late servant Francis Edney two hundred pounds and my rich gown: to my ancient servant Troughton one hundred pounds; I give to my chaplain Dr. Rawleigh one hundred pounds: I give to my ancient servant Welles one hundred pounds: I give to my ancient servant Fletcher one hundred pounds, and to his brother ten pounds: and if my servant Fletcher be dead, then the whole to his brother. I give to my wife's late waiting-gentlewoman Mrs. Wagstaffe one hundred pounds: I give to Morrice Davis one hundred pounds: I give to old John Bayes one hundred pounds: I give to my ancient servant Woder three score and ten pounds: I give to my ancient servant Guilman three score pounds: I give to my ancient servant Faldo forty pounds: I give to London my coachman forty pounds: I give to Harsnep my groom forty pounds: I give to Abraham my footman forty pounds: I give Smith my bayliff and his wife forty pounds: I give to my ancient servant Bowes thirty pounds: I give to my servant Atkins thirty pounds: I give to old Thomas Gotherum, who was bred with me from a child, thirty pounds: I give to my servant Plomer twenty pounds: I give to Daty my cook twenty pounds: I give to Henry Brown twenty pounds: I give to Richard Smith twenty pounds: I give to William Sayers ten pounds: I give to John Large twenty pounds: I give to old goodwife Smith ten pounds: I give to Peter Radford's wife five pounds: I give to every mean servant that attends me, and is not already named, five pounds.

The general devise and bequest of all my lands and goods to the performance of my will.

Whereas by former assurance made to Sir John Constable, knight, my brother-in-law, and to Sir Thomas Crewe and Sir Thomas Hedley, knights, and serjeants at law, and some other persons now deceased, all my lands and tenements in Hertfordshire were by me conveyed in trust: And whereas of late my fine, and the whole benefit thereof, was by his Majesty's letters patents conveyed to Mr. Justice Hutton, Mr. Justice Chamberlain, Sir Francis Barneham, and Sir Thomas Crewe knight, persons by me named in trust; I do devise by this my will, and declare, that the trust by me reposed, as well touching the said lands as upon the said letters patents, is, that all and every the

said persons so trusted, shall perform all acts and assurances that by my executors, or the survivor or survivors of them, shall be thought fit and required, for the payment and satisfaction of my debts and legacies, and performance of my will, having a charitable care that the poorest either of my creditors or legataries be first satisfied.

I do further give and devise all my goods, chattels, and debts due to me whatsoever, as well my pension of twelve hundred pounds *per annum* from the king for certain years yet to come, as all my plate, jewels, household-stuff, goods, and chattels whatsoever (except such as by this my last will I have especially bequeathed), to my executors, for the better and more ready payment of my debts, and performance of my will.

And because I conceive there will be upon the moneys raised by sale of my lands, leases, goods and chattels, a good round surplusage, over and above that which may serve to satisfy my debts and legacies, and perform my will; I do devise and declare, that my executors shall employ the said surplusage in manner and form following: that is to say, that they purchase therewith so much land of inheritance, as may erect and endow two lectures in either the universities, one of which lectures shall be of natural philosophy, and the sciences in general thereunto belonging; hoping that the stipends or salaries of the lectures may amount to two hundred pounds a year for either of them; and for the ordering of the said lectures, and the election of the lecturers from time to time, I leave it to the care of my executors, to be established by the advice of the lords bishops of Lincoln and Coventry and Litchfield.

Nevertheless thus much I do direct, that none shall be lecturer (if he be English) except he be master of arts of seven years standing, and that he be not professed in divinity, law, or physic, as long as he remains lecturer; and that it be without difference whether [he] be a stranger or English: and I wish my executors to consider of the precedent of Sir Henry Savil's lectures for their better instruction.

I constitute and appoint for my executors of this my last will and testament, my approved good friend the right honourable Sir Humphrey Maye, chancellor of his majesty's duchy of Lancaster, Mr. Justice Hutton, Sir Thomas Crewe, Sir Francis Barneham, Sir John Constable, and Sir Euball Thelwall; and I

name and intreat to be one of my supervisors, my most noble, constant, and true friend, the duke of Buckingham, unto whom I do most humbly make this my last request, that he will reach forth his hand of grace to assist the just performance of this my will, and likewise that he will be graciously pleased for my sake to protect and help such of my good servants, as my executors shall at any time recommend to his grace's favour: and also I desire his grace in all humbleness to commend the memory of my long-continued and faithful service unto my most gracious sovereign, who ever when he was prince was my patron, as I shall (who have now, I praise God, one foot in heaven) pray for him while I have breath.

And because of his grace's great business, I presume also to name for another of my supervisors, my good friend and near ally the master of the rolls.

And I do most earnestly intreat both my executors and supervisors, that although I know well it is matter of trouble and travail unto them, yet considering what I have been, that they would vouchsafe to do this last office to my memory and good name, and to the discharge of mine honour and conscience; that all men may be duly paid their own, that my good mind by their good care, may effect that good work.

Whatsoever I have given, granted, confirmed, or appointed to my wife, in the former part of this my will, I do now, for just and great causes, utterly revoke and make void, and leave her to her right only.

I desire my executors to have special care to discharge a debt by bond (now made in my sickness to Mr. Thomas Meautes), he discharging me fully towards Sir Robert Douglass, and to procure Sir Robert Douglass his patent to be delivered to him.

Fr. St. Alban.

Published the nineteenth day of December, 1625, in the presence of

W. Rawley, Ro. Halpeny, Stephen Paise, Will. Atkins, Thomas Kent, Edward Legge.

The following correspondence with Bishop Williams (now no longer Lord Keeper or in favour at Court, and in a disposition towards Bacon very different from former manifestations) forms a sequel or postscript to the will; and as far as it relates to the preservation and use of Orations and Epistles, bears directly upon the

business and purpose of this work. "Letters written *è re natâ*," and synchronous with the events, are, according to the Bishop, the most valuable of our antiquities; because they speak the truth most plainly and with least mixture of fancy and fable. "They are the best materials of history," says Bacon elsewhere; "and (to a diligent reader) the best histories in themselves." If I have succeeded in helping readers to be diligent, or to accept the results of diligence, in the study of his own orations and epistles, I shall have done something to give this part of his bequest its proper value.

The question concerning the foundation of the two lectureships never came to practical importance, for want of funds to carry it out. But it will be seen that by the terms of the will, only one of the lectures is *required* to be in Natural Philosophy; so that if Oxford was in danger of being deformed by an excess of it, the executors were left free to apply hers to some other branch of learning.

TO THE LORD BISHOP OF LINCOLN.[1]

My very good Lord.

I am much bound to your Lordship for your honourable promise to Dr. Rawley.[2] He chooseth rather to depend upon the same in general, than to pitch upon any particular; which modesty of choice I commend.

I find that the ancients (as Cicero, Demosthenes, Plinius Secundus, and others), have preserved both their orations and their epistles. In imitation of whom I have done the like to my own; which nevertheless I will not publish while I live. But I have been bold to bequeath them to your Lordship, and Mr. Chancellor of the Duchy. My speeches (perhaps) you will think fit to publish. The letters, many of them, touch too much upon late matters of state, to be published; yet I was willing they should not be lost. I have also by my Will erected two lectures in perpetuity, in either University one, with an endowment of 200*l. per annum* apiece. They to be for Natural Philosophy, and the sciences thereupon depending; which foundations I have required my executors to order, by the advice and direction of your Lordship, and my Lord Bishop of Coventry and Litchfield. These be my thoughts now. I rest

Your Lordship's most affectionate to do you service.

[1] 'Baconiana,' p. 195, entitled "The Lord Chancellor Bacon's letter to Dr. Williams, then Lord Bishop of Lincoln, concerning his speeches, etc."

[2] Among the letters entered in Stephens's catalogue which have not been found are two addressed to the Lord Keeper, and relating to Dr. Rawley. One of them was dated 22 August, and began with the words 'Sending to the Court.' The other had no month-date and began with the words 'my good wishes.' Both are described as in behalf of Dr. Rawley.

THE BISHOP'S ANSWER TO THE PRECEDING LETTER.[1]

Right honourable and my very noble Lord,

Mr. Doctor Rawley, by his modest choice, hath much obliged me to be careful of him, when God shall send any opportunity. And if his Majesty shall remove me from this see, before any such occasion be offered, not to change my intentions with my bishopric.

It is true that those ancients, Cicero, Demosthenes, and Plinius Secundus, have preserved their orations (the heads and effects of them at the least) and their epistles; and I have ever been of opinion, that those two pieces are the principal pieces of our antiquities. Those orations discovering the form of administering justice, and the letters the carriage of the affairs in those times. For our histories (or rather lives of men) borrow as much from the affections and phantasies of the writers, as from the truth itself, and are for the most of them built altogether from unwritten relations and traditions. But letters written *è re natâ*, and bearing a synchronism or equality of time *cum rebus gestis*, have no other fault than that which was imputed unto Virgil, *nihil peccat, nisi quod nihil peccet;* they speak the truth too plainly, and cast too glaring a light for that age, wherein they were, or are written.

Your Lordship doeth most worthily therefore in preserving those two pieces, amongst the rest of those matchless monuments you shall leave behind you; considering that as one age hath not bred your experience, so is it not fit it should be confined to one age, and not imparted to the times to come. For my part therein, I do embrace the honour with all thankfulness, and the trust imposed upon me with all religion and devotion. For those two lectures in natural philosophy, and the sciences woven and involved with the same; it is a great and a noble foundation both for the use, and the salary, and a foot that will teach the age to come to guess in part at the greatness of that Herculean mind which gave them their existence. Only your Lordship may be advised for the seats of this foundation. The two universities are the two eyes of this land, and fittest to contemplate the lustre of this bounty: these two lectures are as the two apples of these eyes. An apple when it is single is an ornament, when double a pearl or a blemish in the eye. Your Lordship may therefore inform yourself if one Sidley of Kent hath not already founded in Oxford a lecture of this nature and condition. But if Oxford in this kind be an Argus, I am sure poor Cambridge is a right Polyphemus; it hath but one eye, and that not so steadily or artificially placed; but *bonum est facile sui diffusivum*: your Lordship being so full of goodness, will quickly find an object to pour it on. That which made me say thus much, I will say in verse, that your Lordship may remember it better;

Sola ruinosis stat Cantabrigia pannis,
Atque inopi lingua disertas[2] invocat artes.

[1] Stephens's second collection, p. 190. Not said where from.
[2] So in the printed copy.

I will conclude with this vow: *Deus, qui animum istum tibi, animo isti tempus quam longissimum tribuat.* It is the most affectionate prayer of

Your Lordship's most humble servant,

JO. LINCOLN.

Buckdon, the last of December, 1625.

9.

Though Bacon felt his health to be much impaired and his life precarious, and therefore took the precaution to provide as well as he could for the disposal of the little he had to leave, it was not as a man who felt that he was dying. As he recovered his health after each attack, he recovered his hope of living awhile longer and making further progress in his work. The letter which follows, addressed to his friend Sir Humphrey May at the beginning of the new year, and in contemplation of the meeting of a new Parliament, while it proves conclusively that he had not yet received a pardon of the Parliamentary sentence or leave to resume his seat in the House of Lords, proves also that he was still anxiously seeking and hoping to make use of it: and his death, which took place three months after, was not the result of natural decay but of an accidental chill, and was sudden and unexpected.

To SIR HUMPHREY MAY, CHANCELLOR OF THE DUCHY OF LANCASTER.[1]

Good Mr. Chancellor,

I did wonder what was become of you, and was very glad to hear you were come to court; which methinks, as the times go, should miss you as well as I.

I send you another letter, which I writ to you of an old date,[2] to avoid repetition; and I continue my request then to you, to sound the Duke of Buckingham's good affection towards me, before you do move him in the particular petitions. Only the present occasion doth invite me to desire, that his Grace would procure me a pardon of the King of the whole sentence. My writ for Parliament I have now had twice before the time, and that without any express restraint not to use it. It is true that I shall not be able, in respect of my health, to attend in Parlia-

[1] Gibson Papers, vol. viii. f. 209. Copy. Written on the same sheet with the last to Buckingham, p. 538; and docketed, "To the D. of Buckingham. To Mr. Chancellor of the Duchy. Gor. 1625."

[2] Probably the same which has been printed in p. 527.

ment; but yet I mought make a proxy. Time hath turned envy to pity; and I have had a long cleansing week of five years' expiation and more.[1] Sir John Bennet hath his pardon; my Lord of Somerset hath his pardon; and, they say, shall sit in Parliament. My Lord of Suffolk cometh to Parliament, though not to Council. I hope I deserve not to be the only outcast. God keep you. I ever rest

Your most affectionate friend
to do you service.

I wish you a good new year.

To Secretary Conway.[2]

Good Mr. Secretary,—This gentleman Mr. Percy, my good friend and late servant, hath a suit to his Majesty, grounded upon service of profit which he hath done his Majesty, for the making of a friend of his Baronet. I pray, Sir, commend this his petition to his M. I shall account the pleasure all one as done unto myself. I rest

Your affectionte friend,
to do you service,
Fr. St. Alban.

Graies Inne, this 26th of Janu. 1625.

The Parliament which met on the 6th of February, immediately after the coronation, was the same which impeached Buckingham. It was not likely, therefore, that either he or the King would be so little occupied with their own business as to have leisure for attending to Bacon's, unless they had been prepared to take him into counsel. Whether at such a time Sir Humphrey thought it expedient to make the motion on his behalf, I do not know; but at any rate nothing was done. He was well enough to come up to London; but we have no particular account of his occupations there until the end of March; when in the course of a drive towards Highgate he took advantage of an unseasonable fall of snow to try whether it would preserve flesh from putrefaction, as salt does; and so caught the chill of which he died. The story is, that the idea suddenly occurring to him, he stopped the coach, alighted at a cottage, obtained a

[1] Five years, speaking in round numbers; but not *more* than five. If the expiation be dated from the day on which he was accused, the fifth year was not completed before the 19th of March.

[2] S. P. Charles I. vol. xix., no. 49. Orig: own hand.

hen, helped to stuff it with snow with his own hands (and I suppose carried it with him to watch the effect); but on the way found himself suddenly so ill that he was forced to take refuge in a house of Lord Arundel's which lay in his road: to whom (being absent) he excused himself in the following letter—a letter evidently composed without any idea that he was dictating it from his death-bed, and of which it is a great pity that the editor did not think fit to print the whole.

TO THE EARL OF ARUNDEL AND SURRY.[1]

My very good Lord,

I was likely to have had the fortune of Caius Plinius the elder, who lost his life by trying an experiment about the burning of the mountain Vesuvius. For I was also desirous to try an experiment or two, touching the conservation and induration of bodies. As for the experiment itself, it succeeded excellently well; but in the journey (between London and Highgate) I was taken with such a fit of casting, as I knew not whether it were the stone, or some surfeit, or cold, or indeed a touch of them all three. But when I came to your Lordship's house, I was not able to go back, and therefore was forced to take up my lodging here, where your house-keeper is very careful and diligent about me; which I assure myself your Lordship will not only pardon towards him, but think the better of him for it. For indeed your Lordship's house was happy to me; and I kiss your noble hands for the welcome which I am sure you give me to it, etc.

I know how unfit it is for me to write to your Lordship with any other hand than mine own; but in troth my fingers are so disjointed with this fit of sickness, that I cannot steadily hold a pen.

This letter (being as it happened the last which Bacon ever wrote) is treated by Lord Macaulay as if it had been written *in extremis*, when another man would have forgotten all about the experiment. To me it seems such a letter as a gentleman would naturally dictate who is laid up with a bad cold in another man's house and has lost the command of his fingers. All the incidents, up to the time of the seizure, imply spirit and activity both of body and mind; and as we know from Dr. Rawley that the collection of Natural History

[1] Matthew's collection, p. 57. Headed "The Lord St. Albans, to the Earl Marshall, with humble thanks for a favour. This was the last letter that he ever wrote."

was his last work, we may suppose that he was proceeding with unabated diligence in the trial of experiments, solitary or in consort, touching the various processes of nature, when the accident happened. Nor is there any reason to think that at the time he dictated the letter, there was ground for apprehending anything serious. But the story goes on to say that the housekeeper in his anxiety to entertain him handsomely had put him in the best bed; which, having been long unused in the absence of the family, was damp in spite of the warming-pan. This brought on an attack of what would now be called *bronchitis*, which lasted some days and ended (as that complaint so often does with people of all ages) in sudden suffocation.[1]

He died on the 9th of April, 1626, in the early morning of Easter Sunday: and thenceforward what men might think of him was a matter that concerned themselves, and not him.

And yet if it were possible to believe that the dead can be disturbed by the proceedings of the living, his troubles were not yet over. Buckingham, whom he had entreated to act as supervisor, had more than enough to do in preparing his own answer to the thirteen articles upon which the Commons had impeached him. The friends and relatives whom he had appointed to be his executors either expressly refused or delayed beyond reasonable time to undertake the office. And the will had remained unexecuted for 15 months, when letters of administration were granted (18 July, 1627) to two of his creditors—Sir Robert Rich and Thomas Meautys.[2] The sale of a property including such articles as Gorhambury and Verulam House, which were not for the common market,[3] was not likely in these circumstances to realise its proper value, and it is not surprising that the proceeds fell short of his expectations,[4] and failed

[1] "From this account," says Mr. Martin, after quoting Dr. Rawley's description of Bacon's last illness and death, "it appears that the malady which so rapidly brought Bacon to the grave was an inflammation of the air-cells of the lungs, now called '*bronchitis*.' This disease (the pathology of which was then not understood) most commonly occasions the death of old persons. In cases of this sort the proximate cause of death is, that the blood ceases to be either decarbonised or oxygenated, owing to the air-cells being, as it were, plastered over with a mucus, secreted by the membrane lining them, and which the debilitated patient is unable to expectorate." *Character of Lord Bacon, His Life and Works, by Thomas Martin, Barrister-at-law. London*, 1835.

[2] Register of the Prerogative Court: printed in Blackbourne's edition of Bacon's works, vol. ii. p. 563.

[3] "Now Verulam, good man, is in his grave,
I muse who shall his House and Title have;
That spatious—specious—precious refectorie,
Which cost a world of wealth (so saith the story);
Those pebble-paved brookes, empaled lakes,
Thick clad with countless sholes of ducks and drakes."
The Honest Ghost, or a Voice from the Vault. Lond. 1658: p. 239.

[4] Gorhambury was conveyed to trustees for the use of Sir Thomas Meautys himself who had married the only surviving daughter of Bacon's half-brother Natha-

not only to yield the surplus on which he had counted, but to pay their full shares to the creditors. The debts amounted to £22,371 1s. 3d., the assets apparently to little more than £7000; the lands producing £6000.[1] What became of his books, which were left to Sir John Constable and must have contained traces of his reading, we do not know; but very few appear to have survived. His manuscripts fared better, the greater portion having been entrusted to Dr. Rawley; by whom they were edited—too long indeed after date to be justly appreciated by a new generation in an altered world, and not before many had gone abroad in imperfect shapes—but carefully and conscientiously, and from authentic copies. Others which had been left to Sir William Boswell and were by him committed to Isaac Gruter, were less fortunate; and some (including as I suspect all the corrected copies of his legal works which he had selected for preservation) appear to have been lost altogether or to have survived only in the rough drafts. But upon the whole, "that durable part of his memory which consisted in his works and writings" may be said to have been well provided for, and to have descended to posterity in sound and good condition; with the great advantage of a popular reputation which has given a certain value in common opinion to everything which bears his name. For he was a famous man already, and his *fame* has never fallen into the shadow: his name has always been known to everybody as that of one whom everybody is bound to hold in high esteem as a philosopher, a scholar, a writer, a speaker, a thinker, and altogether a great and wise man, whose opinions (where you can be sure you have his real opinions) are always worth knowing and quoting. And so well has this reputation endured, that though his right to it has been called in question by men of great ability in more than one department, the questioners have never made any impression upon the popular judgment; not so much because people know how to answer as because they are not disposed to listen to them; Bacon's pre-eminence in matters intellectual being held to be one of the settled questions in the world, insomuch that any man who calls it in dispute commits a kind of contempt of court—the court of popular opinion, which has jurisdiction in such cases. For as we believe in the judgments of the Courts of Law though we do not hear and could not understand the evidence and arguments, so we believe in

niel; and after his death was purchased by Sir Harbottle Grimstone, who married his widow. But Verulam House, in the construction and decoration of which Bacon had indulged all his tastes without care for the cost—and it was said to have cost him nine or ten thousand pounds—was sold 40 or 50 years after "to two carpenters for four hundred"— the value of the materials. See Aubrey's Lives.

[1] See the Schedule, printed in Blackbourne's edition, vol. ii. p. 565.

the judgments which are passed upon dead men by popular acclamation, though we are not ourselves in a condition to justify them. This is fame, and (so far) it cannot be denied that we have done our best to show gratitude for what he has left us.

It is in respect to that other part of his name and memory which he bequeathed to "men's charitable speeches and foreign nations, and the next ages," that he would have been most painfully disappointed if to his other misfortunes had been added the misfortune of seeing far into the future. Up to the day when the charge of corruption was brought against him, I fancy that he had thought himself, in his dealings with other men, not only unimpeachable but exemplary: a faithful and diligent servant; a considerate and indulgent master; a serviceable friend; a sound patriot, always meditating projects for the improvement and advancement of his country; an enthusiast of humanity, passionately ambitious to enlarge the powers, heal the diseases, and purify the condition of the human race; in debate, fair and courteous; in council, free, careful, candid; anxious that all things should be carried with due consideration for the just interests of all parties and without just offence to any; seeking for himself scarcely anything except work and the wages of work which he was well able to do and which he did well; receiving for himself nothing but what was freely offered, and giving more freely than he received; an honourable opponent, an indulgent censor, a faithful reporter, a laborious worker, an honest and unselfish adviser, an impartial and scrupulous judge, and filled (as himself could best witness) with tender consideration for all sentient creatures;—such being the ideal to which he had aspired, and, as he imagined, not wholly without success, *meanness* (in its modern sense) was probably the very last word with which he expected his name to be associated. And to have foreseen that the next ages while they regarded him as the meanest would nevertheless honour him as the wisest and brightest of mankind, would have been to him the very reverse of consolation. To have been forgotten altogether would have been nothing; to be honoured in that way was to be perpetually infamous; and (what was still worse) it could not but degrade the character of the very virtues for which the honour was to be awarded. The wisdom and brightness which could live for half a century in friendly relations with meanness in the superlative degree, must have been themselves mean. And though the currency of a quotable line by a popular poet cannot be taken as evidence of the serious judgment of posterity, the case is changed when it comes to be adopted, expounded, amplified, and justified by popular historians and biographers. Pope was merely preaching morality

in sparkling couplets; he wanted a name to point his moral with; and if he could have thought of another that would have helped him to a better rhyme, he would no doubt have preferred it. But when Lord Macaulay, as the result of an elaborate historical and biographical inquiry, described Bacon as a man who, being entrusted with the highest gifts of Heaven, habitually abused them for the poorest purposes of earth,—hired them out for guineas, places, and titles in the service of injustice, covetousness, and oppression[1]—adding that he (Lord Macaulay) had nevertheless "no doubt that his name would be named with reverence to the latest ages and to the remotest ends of the civilized world," we must accept the responsibility of the opinion if we allow it to pass without a protest. If the later ages believe his description of the man to be correct, I hope for my own part that they will *not* name the name of that man with reverence: it would be a gross abuse either of the word or the thing. But it is still possible that they may adopt a different interpretation of the character.

The other actions on which Lord Macaulay's interpretation is founded have been fully and I believe correctly related; and (the evidence being now within anybody's reach) they must be left to produce their own impression. To me, so far from seeming to justify his theory of the character, they do not seem to be reconcileable with it: if Bacon had been such a man as he takes him for, he would have acted differently at almost every crisis which offered him a choice. Nor do I believe that they would have suggested such a theory to anybody, were it not for the discredit which the transactions revealed by his impeachment threw back upon all the passages of his life. It must nevertheless be admitted that those transactions alone,—if Lord Macaulay's interpretation of them be accepted in its full extent,—would deprive his name of all title to anything that could be properly called "reverence,"—his services in the field of philosophy and literature notwithstanding. And as all turns upon the question whether his offence implied the perversion of justice for the sake of reward, it is necessary to discuss the grounds of that interpretation more particularly.

10.

Bacon admitted that he had more than once received a present from a suitor whose cause was not concluded: that the act could

[1] He goes so far as to insinuate that if the defence of the schoolmen could have been rewarded by "fees," or "peerages," or "rich reversions," Bacon would not have been a reformer in philosophy.

not be defended; that it amounted to corruption; and deserved punishment. But he denied that he had ever received such present upon any bargain or contract, or had ever had any "bribe or reward in his eye or thought when he pronounced any sentence or order." The Parliamentary sentence he allowed to be both just and fit; but he affirmed at the same time that he had been the justest judge that had sate in Chancery for half a century.

Lord Macaulay on the contrary represents him as "practising corruption on a large scale;" as "having many agents looking out in different quarters for prey;" as employing in this service "jackals" and "decoys;" as making "private bargains" with suitors as to the amount of their presents: and in fact as selling judgments by the hundred.[1]

The difference is not only large but vital; the question is, which are we to believe?

On the principle of giving the accused party the benefit of the doubt, it would be enough perhaps to say that before we believe such a charge we ought to be able to show some ground for it. Bacon, as we have seen, privately denied it: and if he did not deny it publicly, that may be sufficiently accounted for by the fact it was never publicly made. No accusation to that effect is implied in any of the articles which he was required to answer. They state merely that the presents had been taken, but say nothing of any contract, condition, or unjust judgment. That no evidence *can* be produced from which we should be obliged to conclude that some of these presents must have been given and received with an understanding that the cause should go in favour of the giver, it is indeed impossible to say. But until it *is* produced, I do not see why we should believe it.

But I am myself prepared to go a little further. I think I see reasons why we should *not* believe it. The absence of all evidence that Bacon's decrees were *unjust*, coupled with the consideration that evidence could hardly have been wanting if they were, makes it in my opinion extremely improbable that they were bought. It would be absurd to suppose that the only suitors who attempted to gain their causes by bribery were those whose causes were good. If many decrees were bought, some must have been unjust. Now by every unjust decree, if one man "got what he had paid for," another lost what he was entitled to. Every man so aggrieved had some means of redress, and *after Bacon's conviction* he must have had every encouragement and advantage in pursuing it; for the

[1] "*The hundreds who have got what they paid for*, are quiet." 'Lord Bacon,' by Thomas Babington Macaulay. Travellers' Library, p. 84.

practice of corruption being admitted, the *presumption* would be against the judgment. How many, then, of Bacon's decrees were appealed against? and of these how many were reversed? If none or few, how can we believe that he had sold them by the hundred? If many, where are they? Reversals of decrees in Chancery must be recorded somewhere; and yet (except a somewhat loose assertion in a manuscript of Lord Chief Justice Hale's, published by Hargrave) I can find no mention of any such reversals anywhere. Lord Hale, it is true, in tracing the origin of the jurisdiction of the Lords in reversing equity decrees, mentions the censure of Bacon 'for many decrees made upon most gross bribery and corruption,'—words sufficiently justified by the terms of the sentence and submission, and grounded probably upon nothing more,—'and this,' he adds, 'gave such a discredit and brand to the decrees thus obtained, that *they were easily set aside*, and made way in the Parliament of 3 Car. for the like attempts against decrees made by other Chancellors.' Now that the decrees made by Bacon upon the cases in which presents were admitted to have been received, were thereby *discredited*, we may safely conclude: the presumption, as I said, would of course be against them; and if by 'easily set aside' be meant only that, their authority being lost, *the right of appeal against them* was easily admitted,—(and such may very well be the meaning, for this is the point which Hale was considering),—I can easily believe that also. But if he means that they were easily *reversed* on appeal; that is, that *many of them* were reversed; I still ask where the evidence is. Hale is so great an authority, that—though manuscripts not published or left for publication by the writer are to be received with caution, as probably containing some loose suggestions which he intended to verify at more leisure,—any assertion of his is well worth inquiry. But he was a boy when these things happened. He was writing, it would seem, after the Restoration. His information, so far as it rests upon his personal knowledge and judgment, must have been derived from documents which were then, and should be still, accessible. Where are we to look for these documents? From the passage I have quoted, I should have been led to look in the records of the proceedings of the House of Lords; for he is obviously speaking of reversals of decrees in Chancery 'by an inherent original jurisdiction' in that house; which jurisdiction, he tells us, had its rise upon three occasions; the first being this case of Bacon; whose decrees being made upon bribery and corruption were 'easily set aside' and made way for 'the like attempts' seven or eight years after; and this would certainly lead one to suppose that Bacon's decrees were set aside *by the House of Lords* in virtue of this sup-

posed original jurisdiction, and to look in the Lords' Journals for traces of them.

But the next page seems to make this inquiry superfluous; for there he tells us that he 'could never yet see any precedent'—he does not say *any other*, but *any* precedent—'of such proceeding in the Lords' house *of greater antiquity than* 3 *Car. I.*' And how could that be if it was by *them* that 'many of Bacon's decrees had been easily set aside'?

Moreover, that Hale had seen no records of such proceedings upon Bacon's decrees, is made still clearer by the passage which immediately follows.

"I shall now," he proceeds, "show what was *the first attempt* of setting up this jurisdiction in the Lords' house, and what success it had.

"Before the parliament of 18 Jac., when the Lord Chancellor Bacon was censured for corruption, the course for reversal of decrees was,—either by petition to the King and thereupon a commission issued to examine the decree and proceedings, whereof there are some precedents;—or else to set it aside by act of parliament; and such was the proceeding of 26 Maii 21 Jac. for reversing a decree for the felt-makers and some others about that time."

This proceeding (I should observe) appears in the Commons' Journals; but I cannot gather from the notes by whom the decree in question was made. However, it was not one of those upon which Bacon had been charged with corruption.

"But even in these latter parliaments in King James's time, the reversal of decrees by the inherent power of the Lords' house was *either not known*, or so new that it was *scarce adventured upon by the Lords.*"[1]

And he then goes on to relate the proceedings upon an appeal against a decree made *not by Bacon*, but by Bishop Williams, who succeeded him.

If therefore any of Bacon's decrees were reversed, it was not (so far as Hale could discover) by the House of Lords; but must have been either by act of parliament, or by the King's commission. Yet in the table of contents to the Statutes at large a list is given of the titles of private acts; and I have searched in vain there for traces of any such reversals. From the Commons' Journals I find

[1] 'The Jurisdiction of the Lords' House, or Parliament, considered according to ancient records. By Lord Chief Justice Hale. To which is prefixed by the editor, Francis Hargrave, Esq., an introductory preface, including a narrative of the same jurisdiction from the accession of James the First. London, 1796.' P. 195.

indeed that about the time of his fall several bills for the reversal of decrees in Chancery were *brought in;* but I cannot find that any one of them reached a third reading. I find also that about three years later another bill of the same kind,—and one which very nearly touches the point in question,—was brought in; namely, "an act to avoid a decree procured indirectly and by corruption, between the Lord and Lady Wharton, etc. and Edward Willoughby, Esquire." It was read a first time on the 13th of March, 1623-4; and this was one of the cases in which a present had been received by Bacon, *pendente lite.* If this bill had passed, therefore, it would have been one case in point. But I cannot trace it beyond the second reading, and no such title is to be found among the private acts. I conclude therefore that it did *not* pass; and if so, the fact tells the other way.

Another fact which I cannot well reconcile with the supposition that many of Bacon's decrees were reversed in this way, is supplied by a note of his own, set down about the end of the year 1622. It occurs in that sheet of memoranda for a conversation with Buckingham's mother, which will be found in page 392 of this volume, and runs thus: "You may observe that last Parliament,"—meaning the session which commenced on the 14th of November and ended on the 18th of December, 1621,—"though an high-coming Parliament, yet *not a petition*, not a clamour, *not a motion*, not a mention of me."

Upon this point therefore the records of Parliament tell distinctly and almost decisively in Bacon's favour. They show that the circumstances of his conviction did encourage suitors to *attempt* to get his decrees set aside; that several such attempts were made, but that they all *failed;*—thereby strongly confirming the popular tradition reported by Aubrey,—"His favourites took bribes: but his Lordship always gave judgment *secundum æquum et bonum.* His decrees in Chancery stand firm. There are fewer of his decrees reversed than of any other Chancellor."

If on the other hand they were reversed by a *commission* appointed for the purpose, we must surely have had some news of it. Yet I cannot suppose that either Hale himself or his editor, who prefaces the tract with an elaborate investigation of the whole subject, had heard of any such proceeding. They could not but have mentioned it if they had.

Upon the whole therefore I think I may conclude either that the decrees mentioned by Lord Hale were considered as *ipso facto* set aside by the admission of corruption—(which could hardly be, and even if it were, could not be taken to prove more than is admitted

in the confession,)—or that he used the words loosely, meaning only that they were *easily allowed to be called in question*—(which might be true, and yet upon question they might all be found just)—or lastly, that he was speaking without book. And either way I may still ask, where is the evidence of *justice perverted?* Till some evidence is produced to that effect, I may still believe Bacon's own judgment upon his own case to be true. He expressed it on two occasions; privately indeed, but clearly and unequivocally. The first was in his letter to Buckingham, written from the Tower on the 31st of May, 1621; in which, after entreating him to procure his discharge and not let him die in that disgraceful place, he proceeds:—

"And when I am dead, he is gone that was always in one tenor, a true and perfect servant to his master, and one that was never author of any immoderate, no nor unsafe, no (I will say it) not unfortunate counsel; and one that no temptation could ever make other than a trusty and honest and thrice-loving friend to your Lordship; and howsoever I acknowledge the sentence just, and for reformation's sake fit, *the justest Chancellor that hath been in the five changes since Sir Nicolas Bacon's time.*"[1]

This was written in the season of his deepest distress. The other occasion I cannot date. But I take the words to express his deliberate judgment, imparted to the confidential friends of his latter days;—imparted privately, and (it would almost seem) under some injunction to keep it private; for Dr. Rawley, whose affectionate reverence preserved the record, took the precaution to write it in a cipher, and never published or alluded to it in print. It is found in a common-place book, begun apparently soon after Bacon's death and containing memoranda of various kinds,—most of them, especially in the earlier part, relating to him and his works. The first few pages are filled almost entirely with apophthegms; two or three of which are written in a kind of simple cipher, the Greek character being used for the consonants, and the first five numerals for the vowels; the rest in Rawley's usual hand. Opposite to many of them is written *stet*, with a number affixed; which means no doubt that they were to be included in the collection of Bacon's apophthegms which were afterwards printed in the second edition of the *Resuscitatio*. At the top of the first page stands this sentence, written in the cipher and not marked or numbered; a sentence which I suppose Rawley had been forbidden to publish, but could not allow to perish.

[1] Above, p. 280.

"I was the justest judge that was in England these fifty years. But it was the justest censure in parliament that was these two hundred years."

Now if instead of Lord Macaulay's view of the case the later ages should adopt Bacon's own—(and although he was a party so deeply interested, I really believe it to be much the more impartial of the two,—self-love in a mind which finds its highest pleasure in knowing and believing the truth being far less fatal to fairness of judgment than the love of rhetorical effect in a mind rhetorically disposed)—they will escape the other difficulties, and without refusing to believe anything to his disadvantage of which there is any pretence of proof, they may nevertheless "name his name with reverence," as that of a man to be respected for his moral, as well as admired for his intellectual qualities. For if his acts of corruption did not involve injustice or oppression to either party, whether in the form of extortion or deception or false judgment, they were acts compatible—not indeed with the *highest* moral condition, for a more sensitive morality joined with so clear a judgment would have started at and shrunk from them,—but certainly with a *high* condition of all the other moral virtues. A man might be guilty of them, and yet be just and brave and temperate and truthful and patient and diligent and generous and liberal and unselfish; he might have "bowels of mercies, kindness, humbleness of mind, meekness, long suffering:" he might be forbearing and forgiving, without "bitterness or wrath or anger or clamour or evil speaking or malice:" he might be a man who "fulfilled the law" by loving his neighbour as himself. I could feel respect for the moral condition of such a man though I thought that in some things he had been negligent, thoughtless, or faulty, just as I can feel respect for the intellect of a man who is wise in most things though he may have made mistakes in some. And it is surely possible to conceive gifts both given and taken,—even between suitor and judge while the cause is proceeding,—without any thought of perverting justice either in the giver or the taker. In every suit both sides are entitled to favourable consideration—that is, to the attention of a mind open to see all that makes in their favour—and favourable consideration is all that the giver need be suspected of endeavouring to bespeak, or the receiver of engaging to bestow. The suitor almost always believes his cause to be just, though he is not always so sure, and in those days had not always reason to be so sure, that its merits would be duly considered, if the favourable attention of the judge were not specially attracted to them; and though the

judge was rightly forbidden to lay himself under an obligation to either party, it must be remembered that in all *other* offices of dignity and in all the gentlemanly professions, gifts of exactly the same kind,—fees, not fixed by law or defined as to amount by custom or recoverable as debts, but left to the discretion of the suitor, client, or patient, — were in those days the ordinary remuneration for official or professional services of all kinds. It was not thought gentlemanly to bargain about terms or demand payment. The great man merely received freely what was assumed to be freely given. Lord Treasurer Burghley saw no impropriety in accepting a purse with a hundred guineas in it from a Bishop who felt thankful to him for furtherance in obtaining his bishoprick.. I do not suppose that his son Robert thought it wrong to receive "the 40*l.* which Mr. Downing promised him for his friendship" in the "Beccles cause:" that is for moving his father "for his good and lawful favour in the Corporation's behalf," and so bringing the cause to a good end.[1] And when Lord Treasurer Suffolk was questioned in the Star Chamber for having (among other things) taken money for favour in transactions with the Treasury, the charge was not for taking the money simply, but for taking it in such a manner as to make the payment of the money a condition of despatching the business.[2] The law officers of the crown derived, I fancy, a considerable part of their income from New Year's gifts and other gratuities presented to them both by individuals and corporations whom their office gave them opportunities of obliging: nor would the acceptance of those gratuities have been imputed as a fault so long as they were not employed as inducements to some unlawful act—some neglect or violation of duty. The practice was a bad one, and in the 'New Atlantis' it was forbidden.[3] But it was the practice in England up to James the First's time at least; and the traces of it are still legible in the present state of the law with regard to fees: for I believe it is still true that the law will not help either the barrister or the physician to recover an unpaid fee: the professions being too liberal to make charges, send in bills, or give receipts, or do

[1] See Vol. IV. p. 85, note.

[2] "For when my Lady and Sir John Bingley had made their bargains, my Lord was ready to subscribe and not before. Then upon a sudden my Lord became tractable to deal with, and would give fair language. . . . Before they had concluded, no business could be suffered to pass; his Lordship was not to be moved upon any conditions." See above, p. 58.

[3] "And when we offered him some pistolets, he smiling said, 'He must not be twice paid for one labour:' meaning (as I take it) that he had salary sufficient of the state for his service. For (as I after learned) they call an officer that taketh rewards, *twice paid*." "We offered him also some twenty pistolets; but he smiled, and only said 'What? twice paid!'" New Atlantis. Works, vol. iii. pp. 132, 133.

anything but take the money. In Bacon's time therefore almost all the men who rose to be Judges had probably been accustomed in the course of their professional career to this kind of irregular tribute; and an attorney-general transferred to the woolsack, seeing nothing unusual in it, might the more easily overlook the impropriety. Indeed in any man of the time except Bacon himself, such oversight would hardly have surprised me: it was not much more than neglecting to disturb a convenient arrangement to which he had always been accustomed. But I should have expected Bacon to have considered it, and to have seen beforehand all the objections to the practice which he saw so clearly as soon as he was called upon to justify it.

11.

I have now finished to the best of my ability the task which I undertook: which was to collect and set forth, in the form most convenient for reading, all those writings, speeches, and other authentic utterances of Bacon, which being addressed to the business of his time cannot be rightly understood except with reference to the occasions which induced them. There are probably more in existence; but I have given all that I know of, except those contained in the Registrar's Book of Decrees and Orders—which cannot be safely dealt with except by a man who understands Chancery-business. A careful study of that by a competent student would no doubt throw a great deal of light upon a part of Bacon's life and work —namely his mode of doing business as a Judge in Chancery—concerning which we know nothing at present except that he kept down the arrears, and that his decisions were either not complained against or complained against in vain. Of his other writings, any which may be recovered will be welcome and valuable; but I expect that they will be found to fall naturally into their places without requiring any material correction of the story. We have in these volumes such abundance and variety of evidence as to his ways of proceeding as a councillor, a law-officer, a member of Parliament, a servant, a master, and a writer, that any which may be added to it hereafter is more likely to confirm than to contradict the evidence which we have already; and I think I may say that whoever seriously desires to form a judgment of his life, character, and opinions, will find here materials sufficient for the purpose. Nor, however his conclusions may differ from mine, will he find them on that account the less available: for as I have been careful to keep my own opinions separate from the grounds upon which they are formed, the facts are there to speak for themselves and he can interpret them as he pleases.

Whatever view he may take of the character, he will find in these records of the life much matter for instruction; some, I hope, for approval and imitation; and much also for warning. Under which latter head it may be worth while to draw attention to one lesson, which is so rarely needed that it may be easily overlooked, and yet is of so great importance to those who do need it—of whom Bacon was certainly one—that it deserves to be made conspicuous. And this is, to beware of undervaluing the possession of money when the possession of money means independence. Wiser for others than for himself, he could represent to Villiers the importance of having an income above his expenditure, and could put it upon the true ground,—namely that he might be in a condition "to despise money when it crossed reason of state or virtue."[1] And if the narrowness of his own income during the first half of his life had made him a saver instead of a borrower, and (leaving his disposition otherwise unaltered) had taught him to keep and invest, to be sparing in expense, to look closely after his dues, and to require strict accounts from his servants, he would probably have left to posterity an unspotted name. Putting a higher value upon money, he would have been more careful whence it came; and the possession of an independent fortune would have enabled him always to choose the conditions of service and follow the course which he liked best. Unfortunately the continual delusive encouragements by which in his early years Elizabeth retained him in her service, made borrowing seem justifiable for the time, even as a matter of thrift and prudence, and at the same time made lenders easy to find and to deal with. Thus he contracted a habit of borrowing upon interest, of which it seems he never could cure himself, even when his income was ample for his wants; and to this expensive way of supplying himself with money was added not only a very easy liberality in the spending, but a carelessness in the keeping of it, which would be hardly credible if we did not know how extremely difficult it is to some men to call an inferior to account for offences against themselves. If the stories told are true, his money was kept in drawers from which his servants could help themselves at will. In the year 1655, a bookseller's boy heard some gentlemen talking in his master's shop; one of them, a grey headed man, was describing a scene which he had himself witnessed at Gorhambury. He had gone to see the Lord Chancellor on business, who received him in his study, and having occasion to go out, left him there for awhile alone. "Whilst his Lordship was gone, there comes" he said "into the study one of his Lordship's gentlemen, and opens

[1] Vol. VI. p. 118.

my Lord's chest of drawers wherein his money was, and takes it out in handfuls and fills both his pockets, and goes away without saying any word to me. He was no sooner gone but comes a second gentleman, opens the same drawers, fills both his pockets with money, and goes away as the former did, without speaking a word to me." Bacon being told when he came back what had passed in his absence, merely "shook his head; and all that he said was, 'Sir I cannot help myself.'"[1] This, it is true, is but the recollection in 1691, of a conversation overheard by a shop-boy in 1655, relating to a matter which took place not later than 1620; and as we know nothing about any of the parties, it does not rank high as evidence. But it is nevertheless told so naturally, and the answer attributed to Bacon seems so much more likely to have been remembered than invented, that I incline for my own part to believe the story; though I cannot accept the relator's comment,[2] to whom Bacon's manner of receiving the information appeared so strange, that he thought his servants must have had some mysterious power over him. Had that been the case, I can hardly think that he would have betrayed it so: it would have been so easy to pass it off as a thing done with his knowledge and approbation: whereas, if it was only a mournful acknowledgment of an infirmity which he was conscious of but could not conquer, the manner of it was quite natural, and the only thing difficult to understand is the *degree* of the infirmity. In lesser degrees none is more common, but carried to this extent, it certainly draws hard upon the power of belief. And yet we have had since a very conspicuous instance of the very same infirmity exhibited in a degree scarcely less excessive by a man of as great a spirit, as capable a mind, a far more imperious will, an earlier training in the government and management of men, in the administration of great affairs, and especially in the raising and husbanding of money;—a man not brought up in any wasteful habits or troubled with any expensive tastes;—a younger son, of habits extremely retired and studious, who having entered life with a scanty provision of 300*l.* a year, and meant to make a fortune at the Bar, found himself before he was twenty-five in possession of an official income, wholly applicable to his private purposes, of more than twenty times the amount; and at the same time to a position in the state which placed at his disposal for public purposes the whole wealth of the nation;—a man so sensible of the importance and so tenacious of the reputation of pecuniary independence that

[1] Preface to 'The Cries of the Oppressed,' published by M. Pitt in 1691.

[2] "He did agree with them in their opinion of my Lord Bacon, but my Lord had a fault, whatever it was he could not tell. But, saith he, I myself," etc., and then follows the story.

no pressure of embarrassment would induce him to accept help either from the city of London or from the King himself, though pressed upon him by both in the most liberal and delicate manner; —who was nevertheless compelled to accept during his life from private friends a sum of 10,000*l.* to clear him of debt, and yet left at his death other debts to the amount of 40,000*l.* which was paid to his executors by Parliament, because his estate afforded no means of defraying them; and with nothing to show for it except an enormous and unjustifiable expenditure in the servants' hall. It seems impossible to account for the condition of William Pitt's private affairs during his life and at his death except by systematic dishonesty in some of the people about him; or for his continuing so long to endure it, except by some invincible disinclination to let it be investigated and detected. Yet no one ever suspected Pitt of having anything to fear on his own account from what the strictest enquiry into the proceedings of his servants might bring to light. He regarded it as a complaint about money, which he felt to be beneath him; forgetting that independence is forfeited by owing money which you cannot pay quite as much as by accepting money which you cannot claim. Had he lived two centuries earlier, when the greatest persons saw no indignity in receiving presents of money, he might have been as careless about the receipts as the expenditure: and then the parallel would have been nearly complete. As it was, he preserved the reputation of being superior to all pecuniary temptations, but it was at the expense of the friends and creditors who paid the money which he had spent but not possessed.

But if Bacon was unjustifiably careless in all that related to money —that is, his own money; for in the service of the crown and in other men's affairs, he was a careful bargainer and administrator— he must have been in all that related to *time* a strict economist and an excellent manager. When we consider the delicacy of his constitution, his frequent illnesses, and the number of hours that must have been daily absorbed by official or professional business which has left no trace, it is wonderful to think how much work he got out of himself. This was mainly due no doubt to his natural gifts—the quickness of his apprehension, and the tenacity of his memory, which enabled him to carry his library in his head and pursue his studies in every vacant interval. Dr. Rawley, who had the nearest view of him in the studies of his later years, was at such a loss to account for the extent of his knowledge that he ascribed it to a kind of inspiration. "For though he was a great reader of books," says he, "yet he had not his knowledge from books, but from some grounds and notions from within himself." And we now learn from Peter

Boëner that he "seldom saw him take up a book. He only ordered his chaplain and me to look in such and such an author for a certain place, and then he dictated to us early in the morning what he had invented and composed during the night."[1] But though a man who can remember and recall at will whatever he has once known will accumulate knowledge with a facility and rapidity wonderful to those of us who have to seek for it again as often as it is wanted, we must also suppose that the ever-increasing stores were so arranged as to lie conveniently together and be readily taken up: for then the broken intervals of time can be made available for the pursuit of connected thoughts.

And as Bacon was a careful economist of his time, so was he also of the health and spirits which enabled him to make use of it. "He was no plodder upon books," says Rawley, "though he read much: . . . . . for he would ever interlace a moderate relaxation of his mind with his studies,—as walking or taking the air abroad in his coach," gentle exercise on horseback, playing at bowls, "or some other befitting recreation; and yet he would lose no time; inasmuch as upon his first and immediate return he would fall to reading again, and so suffer no moment of time to slip from him without some present improvement."[2] He was also very careful about his diet, which the delicacy of his constitution had always obliged him to study: and though I do not suppose that his pathology would be allowed by modern science, he found out how to keep himself fit for work by simple means. He had a recipe for the gout from which he always found speedy relief; and for the ordinary troubles of indigestion, against which nature had not armed him, he pursued a course of mild alteratives. His morning draught of three grains of nitre in thin warm broth, and his weekly dose of a drachm and half of rhubarb infused into a draught of mixed wine and beer, we knew from Rawley.[3] And from the information recently supplied by Mr. Loffelt, we are now able to add the report of his domestic apothecary, who ought to be the best authority.

"Bacon was a great lover of physic, paying great attention to his health. Every morning he took for breakfast a scruple of cremor[4] tartar in some chicken broth, which I brought him. Once a week, at 7 o'clock in the evening, he took a soft purgation; a quarter of an ounce of rhubarb, with some grains of Schoenanthi, together soaked in wine for an hour, then wrung out well and without using any fire. Having taken this, he awaited the result till eleven or twelve o'clock at night. During that period he

[1] Athenæum, June 10, 1871.
[2] Rawley's 'Life of the Honourable Author.' Works, vol. i. p. 12 and note.
[3] *Ib.* p. 17. [4] Sic.

studied, when every one had gone to bed except his valet. For the rest he was very frugal."[1]

He could make nothing of a great dinner. He said "if he were to sup for a wager he would dine with a Lord Mayor."[2]

His personal character and disposition, though he writes very little about himself, comes out very distinctly in his correspondence; and being quite in accordance with all the reports we have from those who saw him nearest and knew him best, I suppose there will be little difference of opinion about it. What difference there is will be rather as to the sentiments with which it should be regarded than as to the thing itself. All the evidence shows that he was a very sensitive man, who felt acutely both kindness and unkindness, but that he was at the same time remarkably free from the ordinary defect of sensitive natures,—irritability and aptness to take offence. Two or three letters of frank expostulation upon ill-usage remain to show that when he was ill-used he could feel it: but he never pursued or remembered any quarrel of that kind, or allowed it to influence his conduct. His official duties brought him now and then into rough collision with opponents or rivals, leading to sharp speeches: and he had occasionally to give his opinion upon the conduct or qualifications of a man whom he did not think well of. But I am not aware of any case in which he gave an opinion which he had not a perfect right to entertain, or which there is any reason to suppose that he did not honestly entertain, or which, if he did entertain it, he was any way forbidden to express. He has been accused of ill-will to Coke; and if to distrust a man's judgment, to dislike his ways, to apprehend mischief from his management, and to be treated by him with contempt, is to bear him ill-will, the charge cannot be denied. But to me the demeanour of either towards the other seems nothing more than the legitimate and indeed inevitable expression of the difference of character which nature had assigned to the two men. Being such as they were, and being engaged in the same work, what could they do but disagree? Each thought the other was marring it. But it would be as reasonable to infer ill-will to Bacon on the part of Coke because he said the *Novum Organum* was only fit for the Ship of Fools, as to infer ill-will to Coke on the part of Bacon because he said it would be a good thing to remove him from the Chief Justiceship, and a bad thing to restore him to the Council. It was not ill-will on either side: it was only a difference of opinion which under the circumstances could not express itself except in

[1] Athenæum, 10 June, 1871.
[2] Apophthegms from Rawley's commonplace book, vol. vii. p. 182.

terms of censure. Coke thought the *Novum Organum* a foolish book. Bacon thought Coke a dangerous man both on the Bench and at the Council-board. But wherever the comparison was not forced upon him by having a piece of work to do which he found he could do better, he was a very favourable judge of other men's abilities, and formed a very modest estimate of his own. The mistakes he made were oftener from giving too much credit to other men for abilities or virtues than too little. Even as a philosopher (the part which in his own opinion suited him best) he never took credit to himself for any extraordinary capacity. He thought he had struck into the right path by accident, and that his merit lay in endeavouring to keep it and walk in it. The qualities for which he gave himself credit were only patience and faith, and love of truth, carrying with it confidence in the power of truth. And the long gestation of the project, together with the many successive shapes in which the exposition of it was cast and recast before it was allowed to come forth, are so many proofs how little authority he expected it to derive from being his. Nor is there anything in this to cause surprise. Our estimate of ourselves rests always upon internal evidence. The man with ten talents thinks much or little of himself, the man with one talent thinks little or much, not according to the number of the talents, but according to his nature. Bacon had by nature a large faculty of hope: but it was hope from things that lay out of and beyond himself,—from ideas, from principles, from "the fortunes of the human race," from God—meaning by God the divine purposes as he inferred them from his theory of the divine character and government. But he attached little importance to himself, except as an instrument for their accomplishment. And this absence of self-importance was in one respect—to the world, if not to himself—a disadvantage. It made him content to occupy a position in the State which was not only beneath his reasonable pretensions but without the authority requisite for carrying his principles into action. With a stouter habit of self-assertion, a man of his abilities might perhaps have compelled the government to take him in upon his own terms, though it is more likely that he would have provoked them to shut him out. But whatever the effect might have been, the thing itself could not have been. The habit of self-assertion was not at his command. Audacity, to have its effect, must be genuine and spontaneous; and when a man who is naturally modest attempts to put on the air of audacity, he only makes himself offensive.

The pliancy and submissive attitude towards his official superiors, which is generally blamed in him as an unworthy condescension, came to him no doubt more easily and naturally by reason of this

peculiarity. But I am not so sure that he would have acknowledged it as a fault. What influence he possessed had to be exercised through other people, and could not have been exercised through them upon any other condition. In contemporary transactions we understand this quite well; and if I were to inquire among members of the House of Commons whether their business could be transacted successfully without bowing to the humours of those who have authority over them—I mean their constituents and "the House"—I should expect the necessity to be most readily acknowledged by those to whom the thing is most distasteful. Should a time come when the uncompromising sincerity of schoolboys shall be extended to the relations of adult life, and men shall know by the simple and direct action of human speech what each really thinks of the other, the world will probably be both better and happier for it. But as the world was in Bacon's time and still is in our own, if you want a man to help you in your work you must beware of affronting him, and you will certainly affront him if you do not show him the sort of respect to which he is accustomed and thinks himself entitled.

It has been commonly thought that Bacon repented of having chosen political life for his vocation and felt that it was both a mistake and a fault. And it is true that he was continually regretting the time which it obliged him to spend in matters which had little interest for him. At the very entrance of his career, while he was still an unsuccessful suitor for his first appointment, he avowed an apprehension "that the ordinary practice of the law, *not serving the Queen in place*, would not be admitted for a good account of the poor talent which God had given him."[1] He even talked of ceasing to follow it, because it "drunk too much time—which he had dedicated to better purposes." Afterwards, at the age of five and forty, when as one of the learned Counsel he had been much employed for some years in state-business of importance, he still said with the Psalm *multum incola fuit anima mea*—his mind had been absent from his work;—and acknowledged it as an error, that "knowing himself to be by inward calling fitter to hold a book than to play a part, he had led his life in civil causes, for which he was not very fit by nature, and more unfit by the preoccupation of his mind."[2] At the height of his fortune, when he held the highest office under the Crown and little thought that he should ever have to part with it except upon his own terms, he was still looking forward with longing to the day when he should be able to descend from his elevation

[1] Letter to Burghley, 21 March, 1594. Vol. I. p. 358.
[2] Letter to Bodley on sending him the 'Advancement of Learning.' Vol. III. p. 253.

and retire into his study. And when ruin overtook him from the quarter where he least expected it, his old regret came back upon him with a new pain; and he confessed that he had "misspent his talent in things for which he was least fit."[1] For a man who had more inward vocations than one, all this was quite natural. The path which he did *not* take was the path which would have led to all it promised—in which he would have met no obstructions, no disappointments. If he had carried out his early threat,—"retired with a couple of men to Cambridge," spent his life in exploring the one true path by which man might attain to be master of Nature, and followed it out far enough to find (as he must have done) that it led to impassable places,—and had at the same time seen from his retirement the political condition of the country going from bad to worse for want of better advice and more faithful service—would he not in like manner have accused himself of having misspent his talent in things for which he was less fit than he had fancied, and forsaken a vocation in which he might have helped to save his country from a civil war? The self-condemnation would have been as natural and sincere in the second case as in the first, and would have seemed as just. But if it be supposed that he repented of his choice of a political life, not as being less suited to his tastes and faculties than a life of study, but as being in itself unworthy of him, I cannot think that he would have confessed the charge. When he seriously thought of giving up his profession in early life, it was when he began to despair of employment in the service of the State. When after the death of Elizabeth he thought again of withdrawing as much as he could from the business of the Learned Counsel and "putting his ambition only upon his pen,"[2] it was when he saw no prospect of attaining a position in Council which would have given him influence enough to do any good.[3] And when in the height of his power and favour he expressed a wish and hope to exchange it for a life of studious leisure, it was always with the proviso that he might first see the relations between the King and his people satisfactorily adjusted. If he ever repented of his labours in the service of the State, it was not because the object had been unworthy, but because the labour had been in vain. And certainly when he looked back upon the results of his political life and compared them with the aims and hopes with which he entered upon it, he did not need the disastrous close to remind him that it had been a failure. He

[1] Prayer or Psalm, p. 229.

[2] Letter to Cecil, 3 July, 1603. Vol. III. p. 80.

[3] "Cum ea per quæ ipse hominibus per me prodesse possem omitterem, et ad ea quæ ex alieno arbitrio penderent me applicarem." *De Interpretatione Naturæ Proœmium.* Works, vol. iii. p. 519.

had been very successful in the details of business. All the causes of which he had the management had been well managed. Nothing had miscarried through any want on his part of skill and care in preparation or diligence in execution. He had always been ready for his work at the right time. His advice had generally been fortunate and had never brought the government into a difficulty. While he acted as a Commissioner of the Treasury the condition of the finances had greatly improved. The rules which he established in Chancery continued (and I believe continue still in a great measure) to regulate the proceedings of the Court. He had never made a cause of the government unpopular by his manner of conducting it. In the House of Commons he had commanded (considering their growing jealousy of all servants of the Crown) an extraordinary amount of favour and confidence. It is wrong indeed to call him, as I have seen him called, the "*leader* of the House;" an office which, in its modern sense, did not then exist. Bacon was never the *leader* even of the courtiers,—of the members holding office in the State, or otherwise under the immediate influence of the Court. If they had any leader, it was the principal Secretary. But though he had no authority otherwise, even by the tacit consent of any party, he had been a frequent and most persuasive speaker, whose advice was always listened to with respect, and in that way had done the government a great deal of excellent service. But these things, though necessary and important in their way, were not the kind of benefits which in seeking to rise in political life he had hoped to be instrumental in procuring for his country. They were like the small discoveries in nature which he blamed mankind for making so much of, when they ought to be aspiring to discover the key of the cipher in which her whole book is written, and to take full possession of her kingdom. They were like the *sordes curarum*,—the recipes for the cure of a few particular complaints,—which he complained of the physicians for being content with, when they should be aspiring to detect and remove the causes of all disease and decay in man's body. When he determined to make the service of the state his profession, he hoped not only to deal with difficulties as they came but to remove the roots out of which they sprang. He hoped to see the divisions of the Church reconciled; the laws reduced into such a condition that every man might learn what the law was; the monarchy established in peace upon the secure foundation of affectionate loyalty and mutual benefit between the sovereign and the subject; and the active spirits of the time relieved from their controversies with each other, and free to unite their forces for the great controversy with Nature which was to end in a conquest pro-

mising endless benefits to all alike. And in all this he had failed. His projects for reconciling the High Churchmen and the Nonconformists he was obliged very soon to abandon as hopeless, and after the conference at Hampton Court he concluded that the best chance of pacifying those controversies was to let them alone, and to discountenance all motions tending to unsettle the arrangements then made. But though the government of the Church proceeded quietly as long as he lived, with little outward disturbance except the occasional silencing of a Puritan or execution of a heretic, the disturbing element was still active within, and had he lived a few years longer he would have seen it not only shaken but overthrown. His project for the reduction of the laws into a manageable shape he pursued longer and more persistently: and would have gladly proceeded with it to the last. But it was a work not practicable by a single man. The assistance which he asked for was not supplied, and all that he could do was to leave on record a suggestion of what ought to be done. His efforts to bring the relations between the sovereign and the subject into better harmony, which was the main object of all his political action from first to last,—and in which I have no doubt that his advice had done much good from time to time in guiding the State clear of rocks on which it might otherwise have struck,—proved nevertheless the most conspicuous failure of all. He lived to see the breach wider than it had ever been,—the nation gradually drawing into two hostile camps—the Crown driven through its necessities into more and more arbitrary measures for recovering strength, the people driven by those measures into a more and more formidable attitude of resistance,—and all things gathering for a violent struggle for mastery. All this was disappointment. As he looked round upon the world in the beginning of 1626, it seemed that for any permanent benefit that his country was likely to derive from the labours of his political life, he might as well have spent it as an obscure student at Cambridge or Gray's Inn. And if as well, surely much better. The political constitution which he had been so laboriously endeavouring to build up, reform and strengthen, would be overthrown by a civil war; while the masculine offspring of the reformed method of studying the constitution of Nature, which he might have been promoting and bringing to perfection all the while, would still survive and flourish. More than twenty years before, when he was thinking seriously of making that the business of his life and forecasting with himself its chances in the world, civil war was one of the contingencies he reckoned upon. He thought likely that Europe would be overrun with civil wars, in which the learning and science then in vogue might suffer shipwreck, but a

science which could prove its worth by works of utility and power would hold out and endure.[1] Of such a science he conceived that he had laid the foundation and marked out the lines, and he had no doubt that in the course of ages it would be taken up by mankind and followed out to its legitimate results. The seed he had sown was sure to grow and come to harvest for the benefit of somebody, and *that* part at least of his life's labour had not been bestowed in vain. Such being his belief—and it was a belief which remained with him to the last—it was natural that he should look back with regret upon the large portion of his life which he had spent otherwise—spent in sowing seeds whose growth depended upon accidents of weather, and (as it happened) were not destined to bear fruit for the benefit of anybody.

In any other sense than this I do not believe that he ever regretted the time he had spent in faithful service of the state; and if he had been permitted to look forward for two or three centuries, I do not feel sure that his regret would not have turned the other way. For to *him* his other labours would scarcely have seemed more successful than these. Looking at the products of the nineteenth century, he would have seen the knowledge of the laws of nature greatly advanced in many directions and the credit of it ascribed in great part to himself, but he would have seen also that the advance had been made without his help; that the peculiar method of proceeding by which, and by which alone, he had thought it possible to attain the only end worth aiming at—the power of producing great effects with certainty—"magnitude and certainty of works"—had been found impracticable; that science was still content to proceed by the old ways which had seemed to him so incompetent; and that in fact, if the new way which he had spent so much labour in contriving and expounding had been kept to himself and perished with him, the progress of science would not have been materially retarded by the accident. And though it is true that he would have found all the men of science not only acknowledging him as their leader and professing to be his disciples, but quoting his precepts and laying down scientific principles in his language, he would have known that he had thought out all those precepts and principles before he was thirty years old, and that if in the first year of the 17th century he had written down and published all that he then had to say about natural philosophy, it would have contained in substance everything of his that was to be found of any use in the nineteenth,—leaving the last twenty years of his life free for other work. It was his

[1] 'De Interpretatione Naturæ Proœmium.' Works, vol. iii. p. 518. 'Letters and Life,' Vol. III. p. 84.

determination to accompany the announcement of his principles with an example of their successful application which kept him so long silent. And in that he had failed after all.

I speak of course of the view which Bacon himself would have taken of the case, comparing the actual results with his own anticipations and judging them by his own standard of value. To us, who do not believe in the possibility of such results as he anticipated, and who regard the scientific achievements of these two centuries as great beyond all reasonable expectation, his part in the progress of modern discovery appears much more considerable. Setting aside his particular *method* of proceeding—his new *organum* or logical machine, which is to us only a name, and appears to have been a mistake—we find in his enunciation of the general principles of philosophical inquiry a light both to guide and cheer the steps of all explorers of nature, which must no doubt have given both impulse and direction to the general progress. If he did not succeed in making any scientific discoveries himself, or even in pointing out the particular steps by which others were to make them, he delivered a set of cautions as to the use of the human understanding, applicable to the pursuit of truth in all departments, which have scarcely been added to or improved upon since his time. And although they were not in themselves new discoveries (being indeed the essential conditions of all inductive reasoning,—which in every case of successful induction, since men began to infer the coming weather from the appearance of the sky, must have been consciously or unconsciously attended to), they were nevertheless very much in want of a new expositor,—for some of the greatest intellects of the world had gone astray through imperfect observance of them;—and the manner of exposition was really and entirely new: an exposition so sound, so clear, so impressive, so moving, and at the same time so sober, simple, and intelligible, that they have carried conviction with them and become the common possession of mankind. What Milton said of Shakespeare—

> "That each heart
> Hath from the leaves of thy unvalued book
> Those delphic lines with deep impression took"—

may as truly be said of Bacon. What Ben Jonson said of him as a speaker—"no man ever spake more neatly, more pressly, more weightily, or suffered less emptiness, less idleness, in what he uttered"—is quite as true of him as a writer. And besides all this he had that mysterious gift to which M. Charles de Rémusat assigns the first place among the causes of his influence in the world—the

quality which he calls *greatness*, and supposes to reside rather in the manner than in the thought.[1] But whence the manner? I should myself say from the moral character—taking it to be the companion and expression of a certain consciousness of moral elevation. But whatever it is and whencesoever it comes, its office and effect is to command respect both for the speaker and the subject. And whatever may be the value of Bacon's other contributions to science, there is probably no single man whose writings have done so much to dignify the pursuit, or to encourage the hopes and exalt and purify the aims of the pursuers.

But when I attribute to a consciousness of moral elevation that "greatness" in Bacon which (though they would differ as to its nature) most people feel; I am not to be understood as assuming to decide the question as to his moral *worth*. That same sense of moral superiority, carrying with it that same impression of greatness, may be found in conjunction with moral qualities of the worst kind; nor does the respect which it commands necessarily imply either sympathy or approval. Whether (in the phrase of the debating society) "the character of Bacon was deserving of the approbation of posterity," is a question which posterity must settle for itself. But I think it may be left to the debaters. To form a true conception of the kind of man he was, is of some consequence; for without that we cannot know what respect is due to his opinions. If his objects were all personal and worldly, his opinions were those of a man who considered all things with reference to himself, and not to truth and the good of men. But being once agreed as to what he *was*, it matters little whether we think him better than ourselves, or worse, or much the same. Upon that point we shall always differ, accordingly as we rate higher the virtues in which he excelled or those in which he was deficient. The men upon whom posterity pronounces a unanimous verdict for bad or for good are the men about whose lives little is known. Those whose record is full enough to enable us to follow them through their week-day work are subjects of dispute, just like contemporary public men, every one of whom has both admirers

[1] Il y a, pour les ouvrages d'esprit comme pour le caractère des hommes, une qualité qui ne peut être ni acquise, ni imitée, qui, si elle n'est pas la plus nécessaire, est la plus imposante, une qualité qu'on supplée, mais que rien n'égale, et qui produit sur l'imagination plus d'effet encore que le vrai et le beau, c'est la grandeur. La grandeur semble résider plutôt dans la manière, que dans la pensée. .... Il est impossible de ne pas reconnaître une certaine grandeur dans Bacon.... L'excès d'admiration qu'il inspire à ses compatriotes s'expliquerait par l'allure de sa pensée et sa diction, quand le fond des doctrines ne le justifierait en rien.... Il se saisit tellement de l'imagination, qu'il force la raison à s'incliner, et il les éblouit autant qu'il les éclaire. C'est que, même en rasant presque toujours le sol, il montre les ailes d'un aigle." *Bacon, sa vie, son temps, sa philosophie.* Paris, 1857: p. 1.

and depreciators. Bacon's record is unusually full: and as his life presented to himself many doubtful problems for action, it has left to us many questionable actions for criticism: and among them not a few which he would not himself have repeated or attempted to justify. One thing, however, must be admitted to his advantage. Of the contemporaries whose opinion of him is known to us, those who saw him nearest in his private life give him the best character. I have quoted Toby Matthew's, written in 1618, when he had known him intimately for 20 years.[1] Dr. Rawley's is familiar to every body. That of Sir Thomas Meautys reveals itself still more expressively in the devotion of his life. Ben Jonson, who had seen something of him off the stage, though we do not know how much, after recording his impression of the "greatness which he could not want" (by which, however, he may possibly have meant only the greatness of intellectual power), adds the significant and affecting remark that in the days of his adversity he "could never *condole* in a word or syllable to him—as knowing that no accident could do harm to virtue, but rather serve to make it manifest." And to these testimonies we may now add that of Peter Boëner, his domestic apothecary and secretary, who concludes his notice with a wish that a statue were erected to his memory,—not as the projector of the Great Instauration of the sciences or author of the 'Novum Organum,'—but in acknowledgment of his moral virtues. "Therefore it is a thing to be wished (he having died on the 9th of April, 1626, aged 66 years) that a statue in honour of him may be erected in his country, as a memorable example to all of virtue, kindness, peacefulness, and patience."[2]

Though these are partial witnesses, their partiality, being above all suspicion of interested motives, is itself a fact which deserves to be put in evidence. But if Bacon himself had been called on to pronounce judgment on himself, I fancy that he would have been content with some such character as Sir Henry Taylor puts into the mouth of Isaac Comnenus, describing his own—

> "Yet is he in sad truth a faulty man.
> In slavish, tyrannous, and turbulent times
> He drew his lot of life, and of the times
> Some deep and bloody stains have fallen upon him.
> But be it said he had this honesty,
> That undesirous of a false renown

[1] Above p. 286.

[2] Athenæum, June 10, 1871. Compare this with the Latin words attributed by the author of *Le Christianisme de François Bacon* to Dr. Rawley. See above, p. 524. "Virtutis omnis, pietatis, humanitatis, patientiæ imprimis, exemplum maximé honorabile."

He ever wished to pass for what he was;
One that swerved much and oft, but being still
Deliberately bent upon the right,
Had kept it in the main; one that much loved
Whate'er in man is worthy high respect.
And in his soul devoutly did aspire
To be it all; yet felt from time to time
The littleness that clings to what is human,
And suffered from the shame of having felt it." [1]

[1] 'Isaac Comnenus.' End of Act 3.

END OF LETTERS AND LIFE.

APPENDIX.

I.

MR. D. D. HEATH ON THE INTERFERENCE OF BUCKINGHAM IN THE CASE OF DR. STEWARD. See Vol. VI. pp. 443–445, and this Volume, pp. 5, 6.

Dear Spedding: I have looked further into the case of Steward *v.* Steward; and I send you the result.

1. I agree that this case deserved to be singled out by you as, on the face of it, the most startling. "Here," if not for the first time (see, for example, Hansbye's case, p. 314), "Buckingham seemed to be putting some pressure upon Bacon." Here also, "instead of merely recommending the party to such favour as his case will bear," he not only "asks for the reconsideration and modification of a decree pronounced" (which may be said of Tipping's case, p. 293), but he both "hints that there may be some danger in carrying it out," and undertakes himself to join with the Lord Chancellor of England in any course which may ease him from the complaint of an ordinary suitor, *without show of fear of him!* And, I will add, whereas in other cases he points to some grounds on which he professes belief in the probable justice of his client's claim; here he makes no such pretence. "Dr. Steward thinks the decree hard: he is my friend: he is a man who will never yield: therefore I should be sorry he should make a complaint against you [*i.e.* if he does, you will find me taking his part]: so satisfy him with as little loss of dignity as you can.' This is all I can see in his argument.

2. Nevertheless, suspicious as the facts seem; outrageous as such language is, on any supposition; it might yet appear on investigation that in truth, as you put it, "on the whole, Bacon had been too *hasty* in accepting the report of his *officers*, and *refusing* to hear Dr. Steward;" and that the result was, after all, "to discover an error and prevent an injustice." But I could draw no such conclusion

from the facts as you state them. You invited me to examine more thoroughly into the original authorities, furnishing me with Mr. Gardiner's notes and references (p. 441, n.). And the corrections and additions which this examination has enabled me to make to your narrative have only confirmed me in my scepticism, or rather disbelief that any such faults had been committed, or such beneficent end attained. I proceed to give the results of my researches, and to make my comments.

3. The suit was between a youth not yet 21 and his two uncles, Nicholas and Thomas Steward, executors of his father's will. Nicholas, Buckingham's friend, was a Doctor of Civil Law, residing in Doctors' Commons: I presume a practising advocate there. The testator was a country gentleman: but his will was made, a few days before his death, at the chambers in Grays Inn of his "loving brother" (in law, I suppose) Sir Jno. Brograve, a lawyer of some standing and position.

The original is not at Doctors' Commons. I am told the custody was lax in old times, executors being allowed to take wills away and to forget to return them. The office copy shows that it was commenced on the 11th and finished on the 13th of February, 1604–5; and the Defendant's answer, in the Chancery suit, shows that, in fact, the first half was made and published at the first date as a complete will; and the rest added, and the whole republished, on the later one, under the following circumstances.

Dr. Steward was fetched, in the evening of the 11th, by his brother Thomas, to see their dying brother. "Understanding he had many children," and finding he had made no will, he pressed and with some difficulty persuaded him immediately to make one. Although Sir J. Brograve and others were present, I think we may conclude that Dr. Steward would be the penman, and chief adviser, so far as advice was given. By this document, lands, freehold and leasehold, farming stock, etc., were disposed of among the sons, including the Plaintiff (then nearly 8 years old), who also took a legacy of £500. It then gave legacies, also of £500 each, to unmarried daughters, payable at 18 or marriage, and some other legacies. And it named Nicholas and Thomas executors.

Dr. Steward says he suggested to the testator that the daughters' legacies might well be larger, and he surmises that this observation of his led to the subsequent addition being made. There was however another point about the Will, as it then stood, the legal effect of which he well knew (he mentions it in his answer); but which may possibly have only been pointed out to the testator, by Sir J. Brograve or others, after he had left. There was no disposition of

the residue: and such residue would therefore, by law, have all gone to the executors by virtue of their office, and this would certainly have given each of them more (I cannot say how much more) than was given to each unmarried daughter.

Whatever the main reason, the addition was made. It recited the above mentioned disposition of "lands and *other things*," to his sons, and declared the testator's meaning to be that his executors should have the letting and disposing of "all and singular the said lands grounds and things," and should take the rents and profits till the sons should respectively attain the age of 20 "to the several uses of his said sons," and should yield an account to them at such rate of "the profits and revenues of the several lands to them bequeathed." It gave legacies of £200 apiece to the executors for their trouble, and added £300 to the Plaintiff's legacy; and the residue was given between all the other sons and the daughters, to be paid at the same time with their former legacies, with a provision that, as to this residue, the executors' account on oath should conclude all parties. And Sir J. Brograve was "entreated to be overseer of this Will," with a legacy of £30 "for his pains and good advice in the execution thereof."

The testator died a few days later, and the Will was proved in common form by the two brothers on May 3rd. But, for some reason or other, it was thought fit or necessary to confirm the Probate by Decree after citing the parties interested, on June 5th. I cannot find any indication of Sir J. Brograve attempting to interfere or earn his £30: he died before the Chancery suit. (See Vol. IV. p. 49 and note).

The executors took possession of the property; made arrangements for the maintenance and education of the younger children; and *mixed the money coming to them as Executors and Trustees with their own*; and, as they say, sometimes had a great deal of money unemployed; sometimes made considerable losses; and on the whole are unable to say whether they "made any commodity" out of the estate or not.

4. The Plaintiff attained his age of 20 in March, 1616–7, and claimed his rents and legacy, and *interest on the latter*. The executors disputed their liability to the last item, and the bill was filed May 20th. There is no indication of any dispute about the accounts of rent on the one side or of cost of education on the other; though it cannot be affirmed that there was none. But the serious question in the case was that of interest on the legacy. And, as to this, the bill did not rely simply on the words of the Will, or any general principle of law or equity, but further alleged certain conversations

of the testator on his death-bed, to the effect that he expected the accumulations of interest on a long minority would make up his youngest son's portion to an equality with the others.

To this bill the defendants severally put in identical "Answers and Demurrers" on the 25th and 27th of June: offering to account for the rents, and claiming to deduct maintenance and education from them; but, as regards the legacy, alleging that the ecclesiastical court alone had jurisdiction over it.

5. The matter was brought before the court on July 17th. And here Bacon's responsibility begins.

If he was in anything "too hasty," he had no excuse in any pressure of business: for he boasted on the 8th of the month that he had drained the Court of Chancery dry; no cause unheard; no motion to make; no petition unanswered (p. 208). And if he left or trusted too much to his officers, he went against the spirit of his own solemn engagements made on taking office, followed up as they were, before this affair was concluded, by his Ordinances in Chancery, which have formed the basis of the practice there until recent times (speech on taking his seat, par. 4, page 187).

He heard the argument on the Demurrer in person, in accordance with his speech (par. 1, page 184). But the Defendants did not appear: which I can only explain to myself as the first step in their course of contumacy. The case was opened for the Plaintiff by Serjeant Finch. Bill, answer, and demurrers were duly read (rule 65): and Bacon overruled the Demurrer to the jurisdiction, by ordering the Defendants to "answer over to the point of the legacy according to the charge in the Bill." The accounts of the rents received were referred to the Master (in accordance with rule 53). And it was further directed that the Defendants were to "have their reasonable charges for maintenance, etc., out of the profits of the legacy"

If objection be taken to this last direction as premature, when as yet there had been no formal decision that any such profits were to be accounted for, I will not argue the point (but see pp. 190–191, parag. 3). At all events, it shows that Bacon in person at once formed the opinion, either from the words of the Will or on some general conception of the duty of Executors in dealing with a Testator's estate—(for no *evidence* relating to this special case had been considered)—that such profits belonged to the estate.

6. The Defendants did not "answer over" for 3 or 4 months. The next step in Court was on October 28th—long vacation having intervened, I suppose—when complaint was made by Plaintiff's counsel that the Defendants, after several times neglecting sum-

monses to attend and account before Master Norton, had at length attended but refused to account.

This is the first clear contempt. It was not punished; but Mr. Saunders, attorney for Defendants, appeared and "did desire, because the cause was testamentary, therefore some other of the Masters, being a Civilian, might be joined with Master Norton." Which request "the Court thought reasonable"; and Dr. Amie was added. The order went on to award an attachment, to be enforced only if the Defendants should not proceed duly with their accounts within a sennight. And further (now in the presence of representatives of both sides) the Masters were directed to consider "what allowance is to be made the Plaintiff for the legacy over and above his maintenance and education."

This order is by "the Court"; and I imagine that, according to the then practice, the Master of the Rolls might chance to be its representative on this occasion (see pp. 184, 5). If so, it would only show that another legally trained head came to the same conclusion with Bacon and the two Masters.

7. Just within the week allowed for going before the Masters, November 3rd, the Defendants put in their answer. It is from this that I have taken the history of the composition of the first Will, and of their treatment of the trust moneys.

They deny all knowledge or belief of any such death-bed conversations with the Testator as the Bill alleged, and surmise that some enemy of theirs must have invented them; and say they would never have accepted the trust had they supposed they were required to invest the money for the benefit of the estate. And now—with knowledge of the opinion twice implied by the orders in the cause—admitting that they have refused to make any allowance for profits, they add, by way of reason, "being a thing by Law not due unto the Plaintiff, nor yet in equity, as these Defendants verily believe *any man will think that shall be truly informed of this case.*"

I suppose they must have used this answer, or in some way brought their whole case before the Masters. At any rate, Dr. Amie, the Civilian appointed at the Defendants' request, concurred with Master Norton in the report, made a week after, in which they seem to go beyond the words of the inquiry delegated to them (which is only as to the *quantum*), and express their own opinion that the "Testator's express intention" was in favour of the Plaintiff (p. 442).

8. At this stage you seem to have been misled by Mr. Gardiner's short note into imagining that there was no further argument in Court. The truth is that on November 28th the Solicitor-General

(Coventry) appeared for the Defendants and argued against the Report; and it was after hearing him and Serjeant Crew (I think) on the other side, that "the Court saw no reason to alter the report, but confirmed it," and decreed accordingly.

A week after this Bacon was again boasting of his diligence and success as an Equity Judge, not only having got through twice as many causes in a year as his predecessor, but claiming "besides, that the causes he despatches do seldom turn upon him again, as Lord Ellesmere's many times did" (pp. 283–284). Have you any ground for thinking that Bacon made good his boast by simply refusing ever to reconsider an opinion once formed—except under such pressure as Buckingham here put upon him? If not, and if his eagerness to "make even with the causes of Chancery" before Christmas had for once made him inattentive to the cause and to the force of Coventry's argument, the Defendants might still have asked for a re-hearing before the decree was signed (see pp. 189–90): and, failing in this, if there was clear error in the matter, they might have moved for leave to file a Bill of Review.

Instead of making any such attempt, they simply disobeyed the decree and kept out of the way of process. True it is, as you mention, that when they were at length caught, six months after they ought to have paid their nephew, on being examined touching the contempt (Rule 77), Dr. Steward "set down" all his own objections to the Decree, and "desired they might be heard and considered." But I have no doubt the Master told him that he must apply to the Court for that, and may have added that he was not likely to succeed; at all events without first purging his contempt by paying all that was ordered, if not to the Plaintiff, into Court (See Rule 77, 78). I imagine that this is still the rule: and a reasonable one. The subsequent orders which you seem to think harsh seem to me blamable, if at all, as over indulgent to the contumacious parties, to the injury of the Plaintiff.

9. When, at last, just one year after the decree was pronounced, stricter confinement, ten per cent. interest, and a fine of £200 began to alarm him, Dr. Steward had recourse to Buckingham. I have already made my comment on his letters. We have here, what has not happened in other cases, not only the ostensible letter, meant for presentation on behalf of the client, but also a strictly private one, partly concerning business of State. I cannot, in either, see the shadow of an appearance of his having formed, or caring to form, any opinion on the merits.

You say this last letter "had the effect of inducing Bacon to look up the history of the case." This is only your surmise, against

which I will set mine, that the case being of the simplest description, the number of times his attention had been recalled to it by the Defendants' contumacies would probably have kept it fresh in his memory. At any rate, his reply to Buckingham makes as little reference to the merits of the case as does the letter he is answering:— "I forget not your doctor's matter: I will speak with him today, *having received your Lordship's letter* [not "having looked up the case"] and what is *possible* [not what is just, but what will satisfy him "without show of fear"] shall be done.

When Bacon promised "regularly to pronounce his decree within a few days after hearing, and to sign it at least in the vacation after the pronouncing," he gave his reasons: "for fresh justice is the sweetest; and to the end that there be no delay of justice, nor any *other means-making or labouring*, but the labour of the counsel at the bar:" that is, to avoid the danger of private influences on the Judge.

10. And now, is there any good reason for saying that Bacon's decision was clearly unjust? If there is, I would not take upon myself to say he was absolutely bound not to set aside his own wise general rules for the sake of correcting it; provided that he so shaped his course as to show the reason why he did so, thus avoiding or extenuating the extreme danger of relaxing the practice.

It appears to me a sufficient condemnation of Bacon to say that he did not take any such course, or even drop a single expression to show that he thought he had done wrong. But perhaps some readers may wish for such assistance as I can give towards resolving the question whether he was wrong.

As to assuming jurisdiction over testamentary causes and personal estate, it had been an old practice; but Lord Ellesmere had discouraged it, without absolutely abandoning it. Bacon was therefore only following the rule which had prevailed and which has continued to prevail without further question that I know of.

As to the decision of the main question, the answer cannot be made so simple. I think the decision was right: and a similar one would certainly be given in these days of £3 per cents. But I dare say the Ecclesiastical Judge might have ruled the other way, and that this was the reason why Dr. Steward wanted to have the cause sent there. But then, the understood function of Chancery was to correct the old formal laws where "Equity" seemed to demand it.

But the truth is, two different questions might be raised on the facts. 1st. As a general rule should Executors or Trustees who

choose to mix the trust funds with their own moneys and actually employ and risk them for their own occasions, be charged with the ordinary interest of the time, or not? 2ndly. Supposing the answer to be "No": then, is there anything in this case which made it a special duty of those who chose to accept the trust to lay out the money to profit? I do not know on which ground Bacon was proceeding when he gave his first direction, nor even when he made the final decree. If on the first, I think the decision was righteous; but it was in advance of the opinions of the Chancellors of Charles II. (including Nottingham), until North (in 1683), in the case of Ratcliff *v.* Graves, 1 Vernon 197 (S. C. 2 Chanc. Cases, 152) overruled "40 precedents" running over "20 years," and settled the law for ever in favour of the beneficial owners. Whether there were any precedents either way before Bacon, I know not: regular reporting in Equity only commenced in Charles II.'s time. But it is clear that the Committee of Masters, one a Civilian appointed at Defendants' request as cognisant of Ecclesiastical practice, decided on the 2nd ground: "the Testator's express intention."

And I concur with them. If the legacy was not one of the "things" of which the Executors were to take "profits" to the use of the sons, then it was a simple legacy due at once, and might have been sued for, in the name of the boy and by his guardian or next friend, at any time. If it was one of these "things"—and this is taken for granted by the Defendants in their answer as well as by the Plaintiff's case—then I think it true that the Testator did contemplate the laying out of the principal in some safe but profitable way.

11. But this is almost an idle digression. For what Bacon did at Buckingham's bidding seems to me entirely wrong, whatever his more mature judgment may have been on the merits: and therefore, to my mind, it is proof that his opinion was not changed or even wavering. If it had been, he should not (and I think would not) have "seen the doctor" privately to concert measures; but would have contented himself with pointing out to Buckingham the course which his friend should take for getting a Bill of Review on the file; with, may be, some intimation that he would be successful at all events up to the point of obtaining a hearing in open Court. True, this would have involved intermediate obedience to the existing decree (which might have been commuted into payment into Court), and security for costs. And why not? It was the rule for uncontumacious suitors. (See Rules 1, 2, 3, 4, 5.)

Instead of any such course, Bacon (after talking over the matter with Dr. Steward, I presume, according to promise) called the parties

and their solicitors together, and and made the Plaintiff assent—I say "made" because it is certain he would have preferred keeping his decree and enforcing it—made him assent to all proceedings under this decree "ceasing"—not being *suspended* while further inquiries were made—on the mere payment into Court of the undisputed £900. Why this extra cruelty was practised on him—that he should be kept out of his money and have to fee counsel, and I suppose pay Court fees, before touching his own, I can hardly understand. He was now of age. I think it must have been for the purpose of making a show of something having been got for him through the instrumentality of the Court.

This is all that appears to have been *done* by the Order of February 22nd, 1618–9, which you partially set out. It professes, I own, something more.

It states that no witnesses had been heard. This was an advantage to the Defendants. The Plaintiff had alleged certain conversations tending to show the Testator's intention—which I suppose may have been admissible before the Statute of Frauds:—the Defendants denied this; and, in the absence of further proof, the Court was bound to disregard the allegation.

It also says that there was no public hearing *in the Cause*. This is technical. The Cause was never "set down on Bill and answer for hearing:" but the only question at issue came before the Court after it had been discussed before the Masters, and no doubt the Solicitor-General had the Answer in his Brief.

It ends, *after* ordering proceedings under the decree to cease, with an order "that a commission *be* awarded [*i.e.*, in the future tense, as is clear from the context] to 5, 4, or 3 indifferent persons of reputation as the Defendants or (*sic.*; but I dare say it is a clerical error) the said Plaintiff and his solicitor *shall* agree upon, who shall be thereby (*i.e.*, by the future Commission when awarded) authorised to examine witnesses upon oath as they in their discretion shall think fit [without any indication of what the issue of fact is to be]; and thereupon and upon consideration had of the said proofs and proceedings *shall certify* whether the Defendants are bound in Law or in Equity to make any allowance, etc., whereupon such *further* order shall be taken as shall be meet."

Mr. Gardiner has found no trace of anything done under this order. I do not suppose anything was ever seriously meant by it, except to "ease the Lord Chancellor of his burden." The Plaintiff must have seen that to press for this Commission would be only to throw away more money, and incur more vexation, besides making dangerous enemies.

But suppose it was meant in earnest. And then read it in connection with Bacon's solemnly expressed opinions and promises, which he seems to me to have been hitherto observing. (Speech, pp. 187, 191.)

The Masters in Chancery were "reverend men" trained to their business. Yet he will not leave them without guidance in references, but will "as one that hath a feeling of his duty and of the case (ease?) of others endeavour to cast his orders into such a mould as may soonest bring the subject to the end of his journey." See also what he says about "making, upon the matter, too many Chancellors."

Here, after reverend Masters, as well as himself the supreme Judge, had considered the matter and pronounced upon the law and equity of the case, he proposes to refer it again to persons not likely to be so learned; without casting the questions into any mould whatever—not pointing out, that is, any guiding principles whatever, or putting any bounds to their inquiries—and, after all, when these persons shall have certified what, in their judgment, "Law and Equity" required in this case, the "subject" may be no nearer to "the end of his journey," for the Court is then "to make such further order as shall be meet:"—*i.e.*, may hear all the arguments over again, as before

Yours ever,

D. D. HEATH.

II.

A LIST OF PAPERS UNACCOUNTABLY MISSING.

In the beginning of the second volume, pp. 2–3, I explained my reasons for thinking that the MS. which I have so often referred to by the name of "Stephens's Catalogue," was copied from a list made by Dr. Tenison of the contents of a box of Bacon papers, which came into his hands in December, 1682. If my conjecture be correct, it follows that there were then in that box, besides those which are still extant at Lambeth or elsewhere, a good many which are not now to be found; and as there is nothing on the face of the matter to distinguish these from the rest, or suggest any cause for their disappearance, it is possible that they are still in existence and may yet be discovered. In most cases I have quoted the description of each of these missing letters in the place where the letter itself would have come in. But for explorers who may light upon any of them by chance, it will be convenient to have the descriptions collected together, that they may be more readily referred to. All those which have been discovered answering to descriptions in this catalogue (which is the case I think with about three-fourths of the number) have been printed in their proper places, and will be easily found by reference to the tables of contents. Of the entries to which I have met with nothing corresponding, the following is, I believe, a complete list. I have gathered them as they lay dispersed, and arranged them, wherever the date is recorded—(*conjectural* dates, which in many cases it would be easy to assign, I have avoided; because if wrong they would mislead)—according to date. And in recommending the list to the attention of explorers or possessors of manuscript collections, I would only remind them that *all the letters or papers described in it must in my opinion have been extant and in the hands of Dr. Tenison as late as December*, 1682.

Letters and papers entered in Robert Stephens's Catalogue (Add. MSS. Brit. Mus. 4259) to which nothing corresponding has been found. Set down in order of date.

Date.	Beginning.	Subject.	To whom.
5 Feb., 1614.	I perceived at my being	Touching the trial of St. John's.	The King.
3 March.	I thank your Lordship	Desiring his favour.	Lord Somerset.
8 Sept., 1615.	It does much grieve me	Advice about her health.	His Lady.
4 Nov.	I send you two letters	Concerning Somerset's bonds.	Sir T. Lake.
23 July, 1616.	You mought have assured	Touching his return.	Tob. Matthew.
14 Sept.	I send your Lordship	With a patent of lieutenancy.	Sir G. Villiers.
12 Nov.	(Not given.)	A long letter, giving an account of the murder of Sir John Tyndal by Bertram and of Bertram's hanging himself.	(Not stated.)
5 Dec.	I send your Lordship	With a narrative of Bertram's fact.	Lord Villiers.
7 Feb.	As I was told	Advising how to behave himself in council.	Earl of Buckingham.
23 March.	I shall now begin	Concerning a riot made upon the playhouse.	Buckingham.
30 March, 1617.	I send your Lordship a paper	With an account of Council business.	Buckingham.
28 April.	I thank you for your	Advising a match for his daughter.	His brother.
29 May.	I do envy the happiness	A compliment sent by Sir Albertus Morton.	Q. of Bohemia.
6 Aug.	I have at last received	Showing his acquiescence in the match.	Buckingham.
10 Dec.	I find Sir G. Chaworth	Touching the farming of the small writs.	Buckingham.
19 March.	To move your Lordship	A compliment from the Princess Palatine by Sir Albertus Morton.	
15 April, 1618.	(Not given.)	Two letters about Irish affairs to	Sir Fra. Angier and Serjt. Davies.
21 Jan.	Sir Clement Edmunds	Recommending him and Sir Geo. Calvert to his Lordship.	Buckingham.
16 April, 1619.	For the first fruits	About the King's debts to the city and to Sir Noel [Caron].	Buckingham.

Date.	Beginning.	Subject.	To whom.
8 Dec.	This cause	Touching some fines recovered for his Majesty.	Buckingham.
17 Dec.	This gentleman is a very good	Touching some proposals of Sir Edw. Wardowe.	Buckingham.
8 Sept., 1620.	I am this evening	Thanks for his Majesty's care of his health.	Buckingham.
9 Nov.	The King's proclamation	Touching the attorney's cause.	Buckingham.
5 March.	I hear of somewhat	Touching a cause in Parliament about gold and silver thread.	Buckingham.
21 June, 1621.	I find by Mr. Mewtys	About his going to settle at Gorhambury.	Buckingham.
27 Oct.	These two last acts	Thanks for procuring his pardon and releasement of fine [confinement?]	Buckingham.
3 Nov.*	I leave it to my friends	About petitioning Parliament.	Mr. John Finch.
3 Dec.	I do discern by your last	About petitioning the Parliament.	Sir E. Sackville.
3 Feb.	(Not given.)	Copies to	Lord Treasurer. Sir Arthur Ingram. Sir E. Sackville.
20 April, 1622.	I could not forget	Concerning his history of Henry VII.	The King.
2 Jan.	As I do not doubt	With his book of the prolongation of life.	Buckingham.
22 March, 1622.	I have not till now	Sent by the Lord Vaughan into Spain.	The Prince and the Duke.
3 April, 1623.	I have not troubled	Begging his favour in his troubles.	E. of Bristol.
2 May.	The very face of Mr. Clark	Congratulating his good success.	Buckingham.
10 May,	In the small time	Begging his good offices.	Sec. Cottington into Spain.
27 Aug.	Let me now his Majesty	About the Provostship.	Sec. Conway.
Oct.	(Not given.)	Copies of two letters upon their return from Spain.	The Prince. Buckingham.
2 Oct.	Your Lordship's letter argues	About the paying of his pension.	Ld. Treasurer.
9 Feb.	A long and wasting	Touching a suit to the King.	Ld. Treasurer.
11 Feb.	This cold winter	For advice about moving the King to help his fortunes.	Buckingham.
15 Feb.	I understand	Thanks for some favour received.	E. of Dorset.

* 1627 in ms.: a mistake, I presume, for 1621.

Date.	Beginning.	Subject.	To whom.
25 Feb.	I humbly thank your Lp.	About a certificate.	Ld. Treasurer.
30 Jan., 1624.	I understood by Sir H.	Pressing him to be mindful of his misery.	Buckingham.
31 March, 1625.	King Charles	Begging his intercession with the new King.	Buckingham.
3 July.	I am loth to complain	Finding fault with the Lord Treasurer.	Buckingham.
22 Aug.	Sending to the Court	In behalf of Dr. Rawley.	L. Keeper.
30 Sept.	Your servant passing by	An account of his country life.	E. of Dorset.
1 Dec.	You may remember	About a lease of recusants' land.	Sir Henry Spiller.
21 Dec.		Copies of letters.	Ld. Treasurer. Mr. Palmer. Mr. Long.
21 Dec.		Copies about arrears.	Chanc. of Duchy. Mr. Meautys.
1625.	The presence of a friend	Begging his assistance with the new King.	Chan. of Duchy.
Month-dates	I would be glad	For assistance in getting in his arrear.	Chan. of Duchy.
not given.	By my Lord's direction (a copy)	About Cambery House.	Mr. Willis.
		Copies of two letters.	M. of the Rolls. Sec. Conway.
		Copies, to	L. Keeper. L. Carlisle. L. Treasurer.
	(First words not given.)		L. President.
		Copies, to	Chanc. of Exchequer. Sir James Fullerton.
		Copies, about his arrears.	L. Treasurer.
		Copies.	Ld. Montgomery. Attorney-General.
	My good wishes	In behalf of Dr. Rawley.	L. Keeper.

No dates given.	I sent Mr. Deckham	About buying Gorhambury.	Somerset.
	Having not had	Concerning his.	Do.
	I have considered	About a treaty in which Mr. Deckham was concerned.	Do.
	I sent Mr. Deckham	Treating for his house of Gorhambury.	Do.
	My grief cannot be	Apprehending his Grace's displeasure about the match	Buckingham.
	Some two months since	Some proposals for his relief.	Do.
	It troubled me somewhat	About the release from his confinement.	Do.
	In much speech	About Sir John Villiers his match.	Lady Compton.
	His Majesty's pleasure is	About the trial of a riot.	Sir Edw. Coke.
	I thank your Lordship	About his arrears.	L. Treasurer.
	However my occasions	About the paying of his pension.	L. Treasurer.
	I have no doubt	About his arrears.	Mr. Chancellor.
	Your Lordship vouchsafed me	Begging his recommendation.	Lord Hayes.
	I thank you for	About his private concerns.	Mr. Percy.
	The point for which.	Touching his private affairs.	The Commissioners.
	[Not given.]	Instructions to Mr. Mewtys to my L. Marquis touching his private affairs.	
	I have had for my	About his deputy in the Court of the Verge.	Marq. Hamilton.
	Whereas I understood	Concerning a case of Mr. Sherburn.	L. President.
	In a time of such honour	Sent into Spain by Mr. Matthew.	(Not said to whom.)
	I most humbly kiss	Sent with his history of K. Henry VII.	The Prince.
	I cannot direct	A petition to the Parliament for a release from his confinement.	

Notes of Ashfield's* examination.

Notes from the first book of Tacitus, touching the uniting or breaking of factions.

An account of the King's and Prince's first coming to sit in the Court of Starchamber on the 20th of June in the 14th year of the King's reign.

Some papers of select proverbs, with notes upon them.

Some papers relating to the Count Palatine's attempt upon the Kingdom of Bohemia.

[The particulars are :]

2 The effect of what his Majesty imparted to the Council touching that affair. Some questions of information drawn upon this by
6 my Lord Bacon.

A memorial of what passed between the Spanish agent and my Lord Bacon on that subject.

* See a letter from Chamberlain, 2 Jan., 1619. "Divers called in question about the libel I wrote of . . . . one Ashfield, a young gentleman that lies by it still in the gate-house."

INDEX TO VOLUME VII.

A.

ABBOT.

Abbot, George, Archbishop of Canterbury, 33.
His motion in the H. of Lords, 190.
His motion in the proceedings against Bacon, 267.
One of the Committee to take the Examinations of Edward Lloyde, 277.
Abraham, Bacon's footman, legacy to, 543.
Adrian, 359.
Advancement of Learning, relation of to the *Instauration*, 373. 435.
Translation of, into Latin, 376. 429.
Why written in English, 435.
Translation of, into French, 536.
Afric, Spanish purchases in, 498.
The design of Stukely blew over into, 484.
Alehouses, patent of Recognisances for, 148. 183.
Alesbury, Mr., Buckingham's Secretary, 320.
Alford, Mr., member of a Committee to set down the judgment against Edward Lloyde, 273.
Aliaza, his report to the Spanish Government on relations between Spain and England, 18.
Alienations, office of, grant made to Bacon out of, 13.
Alldats, St., Letter to the Parishioners and Feoffees for the poor of, 80.
Alphonso, the wise, 361.
Alured, author of a treatise against the Spanish match, his submission accepted, 110.
Amiens, relinquished by Spain, 463. 497.
Anaxagoras, 377.
Anaximenes, 377.

ARGYLE.

Andover, Sir Thomas Howard, Lord, going to the Prince in Spain, 429.
Reports the match about to be published, 430.
Andrewes, Launcelot, Bishop of Winchester, on one of the Committees of four for examination of evidence against Bacon, 245.
Note of some message to, 299.
Letter to, from Bacon, giving an account of his writings, 371—374.
Anjou, Duke of, 485.
Annesly, Sir Francis, Secretary for Ireland, 115.
Anstruther, Sir Robert, 81.
Antiochus, on the overspreading greatness of the Romans, 475.
Antonio, ex-king of Portugal, 462. 490.
Apophthegms, publication of Bacon's Collection of, 523.
Apothecaries, business between them and the Grocers, 259, 260. 513, 514, 515.
Apsley, Sir Allan, Lieutenant of the Tower, one of Buckingham's special friends, 148.
A Commissioner for the patent of Gold and Silver Thread, 203.
Aquila, Don Juan d', occupies and surrenders Kinsale, 433. 494.
Aquinas, St. Thomas, had the largest heart of the School divines, 478.
On the just causes of a war, *Ib.*
Archduke, the, his battle with the States at Newport, 492.
Ardes, relinquished by Spain, 463. 497.
Argyle, Earl of, said to be gone for Spain, 20.

Aristotle, on happiness in young men, 297.
Armada, the Invincible, 461, 462. 472. 486—490.
Arrear due from Sir Nicholas Bacon to the Crown, Bacon's suit for, 451, 452. 535.
Arthur, Prince, negotiations for his marriage with the Infanta Katherine, 303.
Arundel, Earl of, Earl Marshal, recommended to the Prince by the King, when he thought he was dying, 9.
Member of one of the Committees of four for examination of evidence against Bacon, 245.
In favour of letting Bacon answer the charges in writing, 249.
One of the Commissioners to receive the great seal from Bacon, 262.
His part in the debate on Bacon's punishment, 268, 269.
One of Buckingham's friends that wished Bacon well, 516.
Suit in his Court, 529.
Letter to, from Bacon, reporting that he has taken refuge in his house in a sudden illness, 550.
Ascue, cause between Treavor and, 254.
Ashley, Sir Anthony, rumour mentioned by, 279. 294.
Ashton, Henry, a witness in Bacon's case, 290.
Atkins, Bacon's servant, legacy to, 543.
Witness to the publication of his will, 545.
Aubrey, John, anecdotes of Bacon by, 403.
His allusion to the marriage of his widow with her gentleman usher, 539.
His account of the fate of Verulam House, 551.
On the soundness of Bacon's decrees in Chancery, 558.
Aulicus Coquinariæ, anecdote of Bacon told by, 227.
Austria, alliance of, one of the pillars of Spain's greatness, 502.
Interest of the Popes to keep the empire in the house of, 505.
Avellaneda, Spanish Admiral, 495.
Awbry, Christopher, presents a petition to the Commons against Bacon, 212. 257.

B.

Bacon, Lady Ann, Bacon's mother, burial place of, 539.
Bacon, Sir Edmund, sued for his father's debt to the Crown, 452. 535.
Bacon, Francis, his letter to his cousin, daughter of Lord Salisbury, 5.
His conduct as Chancellor in the case of Dr. Steward, 5, 6, and Appendix I.
Letters to him from Buckingham on behalf of suitors, 6. 11, 12. 30. 48. 53, 54. 69. 83. 109. 111. 115. 121. 159.
Sends the Earl of Suffolk's answer to his charge, sealed, 8.
His opinion of Bingley's answer, *Ib.*
His "great sickness," and rumours suggested by it; goes to Theobalds to congratulate the King's "happy recovery," 10.
His proceedings in the Earl of Suffolk's case, 12. 14. 48. 50—55. 59. 74.
His pension, 13, 14, 15.
His engagements for the week, 14.
His view of the marriage treaty with Spain, 16.
His correspondence with the Elector Palatine, 21, 22. 81, 82.
Bacon, Francis—*continued.*
His paper on the comparative resources of Great Britain and Spain, 22—28.
His correspondence with the King of Denmark, 31, 32. 142. 166.
Reports to the King an improvement in his finances, and the favourable progress of the cause against the Dutch merchants, 33, 34.
Sends a form of declaration for Sir T. Lake, 34, 35.
Extent of his acquaintance with the writings of Galileo, 35.
His theory of the tides, 36.
His obligations to Buckingham, 37.
His letter to the States General, 38.
On the Bishop of Bangor's book (see p. 76), and the business of pursuivants, 39.
On the jurisdiction of the Warden of the Cinque Ports, 40.
Sends the King some good news 40, 41.
Is consulted by the King on the business of Bohemia, 43—46.
Reports a new question for con-

Bacon, Francis—*continued.*
sideration in the case of the Dutch merchants, 47.
Receives the King's thanks for his management of it, 49.
Reports the progress of the great cause against the Dutch merchants, 60, 61. 63. 67.
Reports increase of revenue by duty on currants and tobacco, 62.
Sends a form of submission for Sir T. Lake, 64—66.
Recommends Traske for mercy, 67.
Advises the King as to the disposal of the fines on the Dutch merchants, 68, 69.
Recommends distribution of the business of government to standing commissions, and a declaration thereof by the King in the Starchamber, 70—72. 77.
Reports progress with the commission for vagabonds and beggars, 73, 81.
Keeps his 59th birthday, 75.
Reports death of Justice Crooke, 75.
Concerning some revenue business in which Sir G. Montperson was concerned, 77.
Reports progress of examination of Peacock; suggests application of torture, 77—80.
Concerning a decree made by a charity commission, 80.
His letter of advice to the King concerning his present estate and the means to rectify it, 83—90.
His opinion of the Star Chamber as a political institution, 93. 96—98.
Sends the King a paper of "Rules for the Star Chamber," 95, 96.
Reports opinion of the Council on the case of Sir H. Yelverton, 98, 99.
Signifies his approval of a project for the creation of a Remembrancer in Chancery, 100.
His relations with James Whitelocke, and speech to him on the duty of a judge, 100—104.
His anxiety about the King's estate, 110. 116.
His appointment to wait upon him after his return from progress, with an account of his business, 111.
His satisfaction at the King's resolution to call a new Parliament, 113, 114.

Bacon, Francis—*continued.*
Reports consultation with the Chief Justices about measures preparatory to the same, 115—117.
Joins in the voluntary subscription for the Palatinate, 118. 132.
Enlarges upon the King's Prerogative, 118.
Correspondence with the King on presenting the *Novum Organum*, 119, 120. 122. 130.
Reports proceedings in the patent for engrossing wills, 121, 122. 140, 141. 150.
Sends Draft of Proclamation for a Parliament, 123—129.
His sense of the value of the collection of natural history as part of the Instauration, 129, 130.
Sends copies of the *Novum Organum* to Sir H. Wotton, 131.
His notes upon Sir H. Yelverton's case, 133, 134.
Reports what passed in the Star Chamber about it, 134,
Sends copy of the *Novum Organum* to Cambridge University, 135.
His speeches on Sir H. Yelverton's case, 136, 137. 138—140.
Sends precedents of Kings' eldest sons summoned to Parliament, 142—144.
Reports consultations with the learned counsel as to the revocation of unpopular patents, 145—148. 151, 152; see also 183.
Suggests remembrances for the new Lord Treasurer, 149.
Recommends and draws up a proclamation against licentious speaking and writing on State matters, 152. 154, 155, 156, 157.
Sends the King an analysis of the business of the coming Parliament, 155.
His suit for the making of a baron discouraged by Buckingham, 157—159.
His apparent prosperity, 165, 166.
Sends the King a memorial for his opening speech to the two Houses, 167.
Is created Viscount St. Albans, 167.
His letter of acknowledgment, 168. 169.
His speech after the King's, 171—173.
His replies to the Speakers' "excuse" and "oration," 173—179.

Bacon, Francis—*continued.*
Is chosen to speak for both Houses in presenting the petition for better execution of laws against recusants, 182.
His name called in question in the debates in the Commons upon monopolies, 187.
His preparations to meet the expected complaint, 190, 191, 192.
Is reprimanded by the Lords for offering to justify proceedings objected to him by the Commons in a conference between the Houses, 197, 198.
Is in danger of impeachment for his conduct as a referee; Bushe's account of his conference with the King, 199, 200.
His confidence in his position, 200—202.
His part in the debates on the course to be taken with the patents complained of, 202.
His part with regard to the patent for dues, 204.
With regard to the measures for protecting the Gold and Silver Thread Patent, 204—208.
Dismisses his Registrar for misconduct, 209.
Is willing that any man should speak freely anything concerning his court, 210.
His unconsciousness of the danger in which he stood, 211, 212.
Is accused by disappointed suitors of having taken money from them while their causes were pending, 212, 213—215.
His first emotion on hearing of the charge, 213.
Is charged by the Commons with corruption, 215. 221—223.
His requests to the Lords, who are to be his judges, 215, 216.
His illness; a substitute appointed to supply his place in the House, 215.
His own view of his own position, 220. 225, 226.
His visit to Gorhambury during the Easter recess, 227.
Makes his will, 228, 229.
Composes a "prayer or psalm," 229—231.
Finds that his case does not admit of a clear justification, 231.
Reviews records of judgments in analogous cases, 232—234.
Prepares for an interview with the King, who declines to interfere with the action of the Lords, 235—239.
Resolves not to stand upon his defence, but hopes upon a general confession and submission to be saved from a formal sentence, 239, 240.
Appeals to the King and to the House of Lords, 240—245.
Is furnished with the particulars of his charge, and called on for a particular answer, 248—250.
Sends a distinct confession and declaration upon each article of the charge, 252—262.
Resigns the Great Seal, 262.
Is summoned to appear and receive judgment, but excused on account of illness, 267.
Is found guilty, *super totam materiam*, and sentenced, 268—271.
Sent to the Tower, 279, 280.
Discharged, 280, 281.
Goes to Sir John Vaughan's at Fulham, 283.
His position and remaining vocation, 283, 284.
His letter of acknowledgment to Gondomar, 285.
His character as drawn by Toby Matthew in 1618, 285, 286.
His letter of thanks to the Prince of Wales for favours during his trial, 287, 288.
His advice concerning the reformation of justice asked by for the King, 288—291.
Fails to obtain release from the clause in the sentence which forbade him to come within the verge of the Court, and returns to Gorhambury, 291—293.
His claims upon the King, and his hopes from Buckingham, 294, 295.
Begins his history of Henry VII. 295.
Protests against a report that he cannot be in want, 296.
Petitions the King for means to subsist, 296—299.
Obtains licence to come within the verge for a limited time, 300, 301.
His fine assigned to trustees of his own nomination, 301.
Finishes his history of Henry VII. and sends the manuscript to the King, 302, 303.

Bacon, Francis—*continued.*
Offends Buckingham by refusing to sell York House, 304, 305.
Receives warrant for a coronation pardon, with exception of the Parliamentary sentence, 305—308.
His pardon stayed at the seal, 308—312.
Arranges for an interview with Buckingham at York House, and sets down a memorandum of what he means to say, 312—314.
Buckingham failing to come, he writes him a letter of expostulation, 314—317.
His pardon passed, 317.
His letter of thanks to Gondomar, 318, 319.
Receives an overture of explanation from Buckingham, 319, 320.
Prepares a petition to the House of Lords, praying them to back his suit for liberty to come within the verge, 321, 322.
Applies to Lord Digby for his good word to the same purpose, 322, 323. 335.
His negotiations with Buckingham about York House, 323—326. 328, 329. 334. 339. 344.
Refuses to part with it to the Duke of Lenox, 326, 327. 334.
Appeals to Buckingham for help in his money difficulties, and for his liberty, 328, 329.
Receives warrant for arrears of pension, 330.
Consults Selden on the effect of the dissolution of Parliament as bearing upon the validity of the judgments, 330—334.
Proposes to make Buckingham an offer of Gorhambury, through Gondomar and Tob. Matthew, 335—338. 403.
Letters of acknowledgment to Lord Falkland, Tob. Matthew, and Lord Digby, 344, 345.
Letters to Cranfield about his debts, and about York House, 346, 347.
Consents to part with York House to Cranfield, and thereupon obtains Buckingham's help in his suit for leave to come within the verge, 347.
Hopes for an interview with the King (which does not seem to have taken place), 338. 348.

Bacon, Francis—*continued.*
Sets down a note of what he means to say to him, 349—352.
Publishes his history of Henry VII., goes on with the *De Augmentis Scientiarum*, and proposes to undertake a recompilement of the laws, 353, 354.
His private desires, 354.
Receives warrant for liberty to come within the verge, and some offers of pecuniary help, 354—357.
Repeats offer of his service in making a *Digest of the Laws of England*, 358—364.
Prepares to go to a house at Chiswick, 364. *See* 355.
Correspondence with the Queen of Bohemia about the *History of Henry VII.*, 364—366.
Begins a political work on the subject of a *Holy War*, 367—371.
Dedicates it to Bishop Andrewes, with an account of his plan of life and work, 371. 374.
Answers some questions concerning his philosophy put to him by Father Redemptus Baranzano, 374. 377.
Informs Buckingham of a project for creating titulary Roman Catholic bishops for England, 378, 379.
Sets about the collection of *Natural History*, resolving to complete and publish a part every month during the next half-year, 380.
Writes a letter to the King, setting forth his distressed condition, and appealing for help: but does not send it, 381—386.
Sends instead a formal petition for payment of the arrears of his pension and restoration of his lease of the Farm of Petty Writs, 387, 388. *See* also 396.
His arrear of rent for the farm, 389, 390.
Memoranda for an interview with Buckingham's mother, 391, 392.
Acknowledges her favours, 392, 393.
Receives a warrant directing the L. Keeper, the L. President, the Comptroller of the Household, and the Master of the Rolls, to help him in compounding with his creditors, 393, 394.
Publishes the *Historia Ventorum*, 395.

Baron, Francis—*continued.*
His dealings with L. Treasurer Cranfield, 395—397.
Suffers in health from the "extreme winter," 398.
Publishes the *Historia Vitæ et Mortis*, 398, 399.
Applies for papers relating to the time of Henry VIII., 399. 405. *See* also 429.
Has an interview with the King, 399, 402, 411.
Finds a new friend at Court. Correspondence with Sir Edward Conway, 402. 407. 409. 414. 421. 433. 515. 549.
Proposes to sell Gorhambury, and returns to his old lodgings in Gray's Inn, 403. 410.
Letters to Buckingham in Spain, 404, 405. 412. 423. 426, 427. 430, 431.
Wishes to be made Provost of Eton in case of the death of the present incumbent, 406—410. 421.
Writes to Gondomar in Spain, 411. 421.
Sends to Conway for the King a discourse on usury, with a proposition for the regulation of it, 410. 414—419.
Writes to the Earl of Bristol (Digby) in Spain, 424.
To Sir F. Cottington, 425.
To Toby Matthew, 425. 428, 429. 431.
His illnesses and recoveries, 398. 425. 431. 433. 530. 533, 534. 548.
Expresses his joy at Buckingham's return, 432.
Gives up the attempt to publish his collections of Natural History in monthly instalments, 434.
Applies himself to get his English works translated into Latin, 434, 435.
Publishes the *De Augmentis Scientiarum*, 435.
Presents copies to the King, the Prince, Buckingham, the two Universities, and Trinity College, Cambridge, 436—440.
Sets down notes for advice to be offered to Buckingham as to his behaviour in his new position, 441, 442—447.
Conveys it in a letter, 447—451.
Gives up his suit for the Provostship of Eton, 438. 451.
Urges his suit for a full pardon and the translation of his honours, 422.
Asks for a grant of an old arrear claimed for the Crown from Sir N. Bacon, 451, 452. 535.
Applies to the Earls of Southampton and Oxford for their favour in obtaining leave for him to sit in Parliament again, 453—455.
Draws up notes for *a speech concerning a war with Spain*, to be spoken by some member of the House of Commons in the debate on the King's Speech, 460—465.
His sympathy with the public rejoicings upon the issue of the debate, 466.
Addresses to the Prince a full discussion of the whole question, under the title of *Considerations touching a War with Spain*, 469—505.
Abandons the hope of provision, through the King and Buckingham, for a life of study, and asks only for some payment of his pension in advance and for a full pardon, 511.
His anxiety for some mark of forgiveness, 512, 513.
Explains his proceeding with regard to a patent stayed at the Seal, 513.
Bespeaks a good word from Sir Humphrey May in case his name is called in question in the House of Commons, 514, 515.
Correspondence relating to his petitions, 515—522.
Letter to the Mayor, etc., of Cambridge as High Steward, 520.
Publishes his collection of *Apophthegms* and *Translation of certain Psalms*, 523.
State of his private affairs, 524, 525.
His hopes from the accession of Charles I., 526, 527.
Recommends the care of his fortunes at Court to Sir Humphrey May and Marquis D'Effiat, 527.
Espostulates with Sir James Ley (Lord Treasurer since Dec., 1624), 528.
Appeals to Sir Robert Pye (Lord Treasurer's Remembrancer of the Exchequer), *ibid.*
Writes to the Earl of Dorset on behalf of a neighbour who has a

Bacon, Francis—*continued.*
suit in the Earl Marshal's Court, 529.
Describes in a letter to Father Fulgentio the progress of the *Instauratio*, and his plans and hopes regarding it, 530—532.
Sends to the Queen of Bohemia a copy of his *Considerations touching a War with Spain*, 535, 536.
Sends to the Marquis D'Effiat a copy of the new edition of his *Essays*, 536.
Other literary work of the year 1625, 537.
Congratulates Buckingham on the birth of a son and heir, and hints that counsel might be of use in his political projects, 538.
Is displeased with his wife for something, 538. 545.
His last will and testament, 539—545.
His correspondence with Bishop Williams about a project for founding a lecture for natural philosophy in each University, 546—548.
Continues to press for a pardon of the whole sentence and liberty to use his writ for Parliament, 548, 549.
Does not succeed in obtaining his pardon, but comes up to London, and proceeds with his collection of experiments in natural history, 549.
His last experiment, last illness, and death, 549—551.
Difficulties and delays in executing his will, 551, 552.
Issue of his two bequests to posterity—1. His writings, 552, 553. 2. His name and memory, 553, 554.
Character of his offence; reasons for not believing that he ever gave an unjust judgment for the sake of reward, 554—558. 560—562.
His own judgment upon his own case, 559, 560.
His decrees and orders entered in the Registrar's book, 562.
His carelessness about money, 563—565.
His careful husbandry of time and health, 565—567.
His personal character and disposition, 567, 568.
His absence of self-assertion, 568.
His submissive attitude towards official superiors, how far a fault, 569.
His choice of a vocation—how far and why he regretted it, 569—573.
The failure of his labour in politics, 571, 572.
His waste of time upon impracticable projects in philosophy, 573, 574.
His true contribution to the progress of scientific discovery, 574, 575.
His moral character, 575—577.
Bacon, Sir Nicholas, called upon for an old debt to the Crown, 451. 535.
Bagehot, Walter, on the function of the Cabinet in the English Constitution, 510.
Balaam's Ass, discovery of the Author of, 27.
Baltimore, evacuation of by the Spanish, 494.
Bangor, Dr. Lewis Bailey, Bishop of, in trouble about some book, 39.
One of the committee to take examinations in the case of Edward Lloyde, 277.
Baranzano, Father Redemptus, 374.
Letter from Bacon to, 375—377.
Barker, a suitor, 259.
Barnham, Sir Francis, Bacon's brother-in-law, letter to, 513, 514.
One of the trustees of his fine, 543.
One of the executors of his last will, 544.
Baron, the making of a; Bacon's suit for, discouraged by Buckingham, 157—159.
Bavaria, 501.
Bayes, Old John, legacy to, 543.
Becher, Sir William, has a promise of the Provostship of Eton, 407. 409, 410.
Otherwise satisfied, 451.
Beerehaven, evacuation of by the Spanish, 494.
Belfast, Sir Arthur Chichester, Lord, 444. 446.
Bell, Robert, a witness in Bacon's case, 260.
Benbow, 324.
Bennet, Sir John, heard in the business of wills, 122.
His offence and pardon, 519. 549.
Bergenroth, M., his calendar of Spanish State papers, 303.
Bernard, St., his opinion of the war for the Holy Land, 481.

Bingley, Sir John, Sub-Treasurer, sent to prison, 1.
Character of his answer, 8.
His offences and sentence, 55. 57, 58, 59. 561.
Birch, Dr., editor of Bacon's works, words misread by, 12. 213. 299. 327. 391. 443, 444.
Letter printed by, 140.
Errors as to the dates of letters, 189. 515.
Docket overlooked by, 212.
Notes by, 324, 325. 333. 535.
Sheet of memoranda misdated by, and made obscure through mistakes in the deciphering, 348.
Clause omitted by, 515.
Laud's diary quoted by, 538. 551.
Blackbourne's edition of Bacon's works, papers printed in, 419. 552.
Last will and testament printed by, 539.
Blundell, Sir Francis, 115.
Blyth, Edmund, plaintiff in a Chancery suit, 80.
Boëner, Peter, Bacon's domestic apothecary, 365, 366.
His error in supposing that Bacon recovered his fortune after he left him, 524.
His account of his character, 525.
Of his use of books, 566.
Of his diet and regimen of health, 566, 567.
Of his moral qualities, 576.
Boerhaave, on the obligations of Des Cartes to Bacon, 309.
Bohemia, revolution in, 18. 21. 29. 41. *See* Frederick.
James's attempt to mediate between the parties, 107. 170.
Right of the war, 471.
The Emperor in possession, 473.
Borough (or Burrows) John, Keeper of the Records at the Tower, 324.
Bossu, Count of, 483.
Bosvile, Mr. (Sir W. Boswell) one of Bacon's literary executors, 539.
Employs Isaac Grater to edit some of Bacon's MSS., 552.
Bowes, Bacon's ancient servant, legacy to, 543.
Braithwaite's "Honest Ghost" quoted, 539. 551.
Brest, quitted by Spain, 463. 497.
Bribery, Coke's Commentary on Fortescue's definition of, 234.
Three degrees of, in a judge, 235, 236. 238.
State of the law regarding, not inquired of the judges, 263.
Britaine, French, 479.
Brittany, 495.
Britten, Sir Henry, useful in bringing in the fines, 74.
Bronchitis, the disease of which Bacon died, 551.
Brook, Christopher, M.P. for York, assists at the conference, 191.
——— John, a witness in Bacon's case, 252.
Brown, Henry, legacy to, 543.
Bruncker, Sir William, a suitor, 257.
Buckingham, Countess of, notes for interview with, 389. 391, 392.
Relapses to Popery and is sent away from Court, 392.
Bacon's letter to her, 392, 393.
Buckingham, George Villiers, Marquis, afterwards Duke, of
Informs the Earl of Suffolk of the proceedings intended against him and his wife, 1—3.
Letters to Bacon from, in behalf of suitors, 5—7. 11, 12. 30. 46. 54. 69. 83. 109. 111. 115. 121.
Letters to Bacon from, conveying directions or answers from the King, 11, 12. 14, 15. 34. 41. 43. 48, 49. 52, 53. 55. 64. 66. 68. 72. 75. 117. 128. 144. 154. 167. 521.
Letters to Bacon from, on personal or private matters, 158. 305. 310. 319. 328, 329. 426. 433. 437, 438.
How far concerned in the proceedings against Sir T. Lake, 7, 8.
"The best of persons favoured," 78.
Replaces Whitelocke (as deputy for Roper's office) by a dependant of his own, 101.
His interest in certain patents recommended for revocation, 148.
Represents to Bacon the objections to moving the King to grant him the making of a baron, 157—159.
Wished by Bacon to speak in behalf of the Referees, being "fortunate in that kind," 192.
Determination of the Commons to find no fault in him, 199.
His good offices with the King desired by Bacon when the Referees were threatened, 200; *note*.
Appealed to by Bacon for help upon the first rumour of the charge of corruption, 213. 225.
Delivers Bacon's first letter to the House of Lords, 216.
In favour of accepting his submis.

Buckingham, Marquis of—*continued.*
sion and sparing a formal sentence, 248.
Speaks against the proposal to bring him to the Bar, 249.
Reports him to be "so sick that he cannot live long," 269.
Votes against the infliction of the proposed punishments, 270. 294, 295.
Explains why he has not been sent to the Tower, 279.
Is supposed to have procured his pardon for the fine and imprisonment, *ibid.*; *note.*
Procures from the King a warrant for his discharge from the Tower, 280, 281.
Falls under the influence of Dean Williams, 291.
Obtains an audience of the King for Meautys, 292.
Holds out hopes to Bacon of a pardon and a considerable pension, 295. 316.
Informs Meautys of some report as to the sum he must have received in gifts since he was Chancellor, 296.
Wishes to buy York House, and takes offence at Bacon's unwillingness to sell it, 304, 305.
Sends him the King's warrant for a general pardon, parliamentary sentence excepted, 305.
His correspondence with Lord Keeper Williams as to the stay of the pardon, 309—312.
Rumour abroad as to his motive for not furthering Bacon's petition for liberty of the verge, 312.
Fails to meet him for an expected conference, 312—314.
Bacon's appeal to him to explain the cause of the cooling of his friendship, 314—317.
Consents to explain himself, 319.
Negotiations to appease him, 320. 323—326. 339—344.
Provides himself with another house, 327—330.
Promises to move the King to release Bacon from his restraint, 329, 330.
Insists upon York House being sold to Cranfield, and upon that condition uses his influence for Bacon, 334.
Proposal to offer Gorhambury to him, 335—338.

Buckingham, Marquis of—*continued.*
His nature to love to do things unexpected, 345.
Procures reference to Cranfield of Bacon's debts, 346, 347.
Gets his warrant for liberty of the verge signed at last, 354—356.
Communicates to the Lord Keeper Bacon's intelligence of the Titulary Roman Catholic Bishop, 379.
Purchases Newhall in Essex, 390, 391.
Sends a warrant signed by the King, and promise of a personal interview, 393.
Forwards Bacon's memorial to the Lord Treasurer, 395.
Brings him to kiss the King's hands, 399.
Goes to Madrid with the Prince, 401.
Is made Duke, 426.
Quarrels with Gondomar, 429.
Returns to England, 432.
Promises to do what he can for Bacon, 432, 433.
Can do nothing for him in the matter of the Provostship of Eton, having engaged himself for another, 438.
Acknowledges the *De Augmentis*, 437, 438.
His position on his return, 440, 441. 459.
Narrates his proceedings to the Council, 441.
Bacon's notes for advice to him, 441—451.
Recommends Bacon's suit for a grant of his brother's debt, 452.
Is commissioned to explain to the Houses the state of the Spanish negotiations, 460.
Regarded by the popular party in the new House of Commons as the common enemy, whose interest in the success of the war cooled their zeal in it, 509.
Reports the King's answer to Bacon's petition, 521.
Has been hitherto "a spectacle of prosperity," 522.
Sent over to Paris to bring the royal bride, 526.
Professes himself as friendly to Bacon as ever, *ibid.*
Has a son and heir, 538.
Applies himself to pull down the Spanish monarchy without Bacon's help, *ibid.*

Buckingham, Marquis of—*continued.*
Named one of the supervisors of Bacon's will, 545.
Is impeached by the House of Commons, 549. 551.
Bunbury, John, a witness in Bacon's case, 259.
Burgundy, Spain in competition with France for, 464.
Burlamachi, a Dutch merchant, fined for tampering with witnesses, 49.
Burleigh, Lord, a screen to Queen Elizabeth from suitors for money, 90.
Burleigh, Lord—*continued.*
His saying about the difference between the Frenchman and Englishman, 110.
Saw no impropriety in accepting a purse in acknowledgment of patronage, 561.
Bushell, Thomas, one of Bacon's servants, 199.
His report of what passed between Bacon and the King before his impeachment, 199, 200. 235.
Butter, licence for transportation of, 30.

C.

Cabinet, government by the, 510.
Cadmus, capture of castle of, 472.
Cæsar, Julius, 360, 361.
Augustus, 361.
Cæsar, Sir Julius, Master of the Rolls, 33.
His sentence on the Earl and Countess of Suffolk, 59.
Appointed by the King to treat with Bacon's creditors, 394.
Named as one of the supervisors of his last will, 545.
Calais, quitted by Spain, 463. 497.
Cales (Cadiz) expedition against, 462. 491, 492.
Defence of, 472,
Callisthenes, 362, 363.
Calvert, Sir George, Secretary of State, his sentence on the Earl and Countess of Suffolk, 59.
Appointed to speak with the Countess of Exeter, 66.
Cambridge, University, letter to, with copy of *Novum Organum*, 135, 136.
Do. with copy of the *De Augmentis Scientiarum*, 438, 439.
— Mayor and Corporation of, appeal to Bacon as their High Steward, 520.
Camden, William, his note of the thanksgiving sermon for the King's recovery, 9.
His note of the punishment of Traske, 67.
His note of the punishment of Peacock, 76, 78.
His note of the punishment of Edward Lloyde, 277.
Is consulted about the arrangements for Bacon's investiture, 166.
Campbell, Lord, quoted, 264.
Canon law, Henry 8th's attempt to purge, 362.
Carew, Sir George, President of Munster, 493.
Carleton, Sir Dudley, on the policy of England in the Bohemian quarrel, 44.
Letter to, from Bacon, 421.
Carlile, 485.
Caroline, the Bull, 505.
Caron, Sir Noel, 12.
Carr, Sir Robert, 428.
Carthagena, capture of, 485.
Cask, the, a patent which concerned Sir Allan Apsley, 148.
Castlehaven, evacuation of by the Spanish, 494.
Catholic League and Protestant Union, treaty between, 108.
Cavendish, Lord, Bacon's bequest to, 228, 542.
Cecil, Sir Edward, one of a Committee to set down the judgment against Edward Lloyde, 278.
Service of, at the battle of Newport, 493.
Robert, did not think it wrong to receive a sum of money for procuring his father's favour to a party in a just cause, 561,
Chamberlain, Sir Thomas, Chief Justice of Chester, transferred to the King's Bench, 102. 118.
One of the trustees of Bacon's fine, 543.
Chancellor, Lord, his fees and allowances, 266.
Chancery, a Frenchman having a suit in, recommended for despatch, 53.
Place of Remembrancer in, for setting down causes, 100.
Bacon's decrees in, not known to have been reversed on appeal, 511. 555. 559.
Modes of proceeding for revisal of decrees in, 557.
Registrar's book of Decrees and Orders in, 562.
Channon Row, House in, offered to

Channon Row, House in—*continued.*
Bacon by the Duke of Lenox, 327.
Charles V., Emperor, arrest of greatness of, 443. 446. 463. 498.
Provident policy of, 477.
Avoided long sieges, 502.
Actions of, against the Pope, 503.
Charles IX. of France, moved by Coligni to make war on Flanders, 478.
Charles, Prince of Wales, 32.
Leads the subscription for defence of the Palatinate, with offer of £10,000, 118.
Enquires after the business of the Duchy and the Registrarship of Wills, 121. (See Wills).
His writ of summons to Parliament, 143, 144.
His consultation with Bacon and Montagu, 190.
His remark on Bacon and his retinue, 227.
Bequest to, 228.
Against requiring Bacon to answer in person to the charges of corruption, 249.
Moves a message to be sent, 250.
His part in the debate on Bacon's punishment, 268, 269.
Presents the sentence to the King, 271.
His services to Bacon during the impeachment, 287.
His private visit to Madrid, 401.
His character, 445.
His part in the negotiations at Madrid, 459.
His reception on his return, 459.
His zeal for the recovery of the Palatinate, and hopes from the House of Commons, 506.
Calls a new Parliament on coming to the throne, 526.
Marries HenriettaMaria of France, *ibid.*
Result of his appeal to the new House of Commons for support in a war for recovery of the Palatinate, 526, 527.
Chaworth, Sir George, a suitor for the place of Remembrancer in Chancery, for the setting down of causes, 100.
His connection with Bacon and the farm of the Petty Writs, 390.
Chief Baron, Lord, his fees and allowances, 266.
Child, John, a witness in Bacon's case, 260.
Chiswick, house at, taken by Bacon, 355. 364.
Christianisme de François Bacon, Le, 524.
Church, the Protestant, in danger from the Kings of Spain, 461.
Church Music, 290.
Churchill, John, Registrar in Chancery, removed from his office, 209.
Makes a confession to the Committee of Grievances, *ibid.*
Examined by the Lords, 224.
Instructions furnished by, *ibid.*
Cases proved by, 253.
Cicero, behaviour of, in exile, 372.
Preserved both his orations and his epistles, 546.
Cinque Ports, Lord Warden of the, Bacon's letter to, 40.
Clarendon, Lord, his opinion of the Star Chamber, and account of the causes which led to its overthrow, 94, 95.
On the sentence against the Earl of Middlesex, 270, 271.
Clarke, Mr., 425.
Clarkson, John, of Knowington, Co., Warwick, accused of conjuration.
Clifford, Lady, daughter of the Robert Cecil, Earl of Salisbury, Letter to, 5.
Coals, business of, not settled, 110.
Coke, Sir Edward, earnest and forward in the prosecution of the Dutch merchants, 47.
Receives thanks from the King for the success of the *ore tenus*, 49.
His sentence in Star Chamber upon the Earl of Suffolk, 55, 58.
Attends the Council when the main cause against the Dutch merchants was entered into, but "in his night-cap," being unwell, 61.
"On foot" again, and engaged with Bacon in the examination of Peacock, 77. 79.
Concurs with the rest of the Council, in signing a warrant for applying torture, 78.
Conditions under which he held torture to be legal, 79.
His opinion of the Star Chamber as a political institution, 92, 93.
Joins in the advice of the Council to proceed against Yelverton in the Star Chamber, 99.
The "part touching the elections," in Bacon's proposed proclama-

Coke, Sir Edward—*continued.*
mation for a Parliament, shown to him and approved of, 123.
His sentence in Star Chamber upon Yelverton, 137.
Signs the letter of the learned Counsel to the King upon the precedents of kings' eldest sons called to Parliament, 142. 144.
Also concerning the monopolies likely to be complained of, 145. 148. 183. 206.
Reports from the Committee of Supply "a free gift of two subsidies," 180.
Put on a commission for surveying and consolidating the statutes.
Reports from the Committee of Grievances on the Patents for Inns and Alehouses, 184, 185.
Reads a petition from Sir Francis Michell and proposes his sentence, 185.
Opposes his desire to be heard, 186.
Maintains that to justify anything which has been voted a grievance is an offence punishable with imprisonment, 186, 187.
Learns that the House has no power (alone) to punish any but members or dependents, 189.
Expounds its judicial powers, 191.
His part in the conference with the other House, 191. 193.
Bacon's apprehension of him, 192.
His ruling passion, and the change in his condition consequent on his position in the House of Commons, 193, 194.
His advice as to evidence, 196.
His part in a second conference, 197.
His value for evidence which incriminates the witness, 263.
Draws up a record of the judgment of the House of Commons in the case of Edward Lloyde, 273.
Though not present when the judgment was agreed upon, approves it; implying that the House *has* power (alone) to punish persons who are neither members nor dependents, see p. 189, *ibid.*
His motion on the question of supply to support a war for recovery of the Palatinate, 467, 468. 505, 506. 508.
His idea of the performance of an engagement, 508.

Coke, Sir Edward—*continued.*
Chairman of Committee of Grievances; said to "use names sharply," 515.
His opinion of the *Novum Organum* and Bacon's opinion of him, 567, 568.
Coligni, Jasper, Admiral of France, adviser of the war on Flanders, 478.
Colles, Mr., letter in behalf of, from Bacon to the E. of Dorset, 529.
Commission proposed by the King for examining the charges against Bacon, 223.
Commons, House of, avoids engaging itself to supply means for recovering the Palatinate by force, 180.
Presents the King with a free gift of two subsidies, without reference to the Palatinate; effect of the proceeding, 179—181.
Presents petition for better execution of laws against Recusants, (Bacon being chosen as spokesman for both houses), 181, 182.
Sentences Sir Francis Michell, J. P., not being a member of the House, for offences not against the House, to lose his commission, and go to the Tower, 185.
Orders a search for precedents showing what power the House has to punish offences not against itself, 187.
Finds that it has no power to punish any but members or dependents of its own, and that for punishment of offenders against the State, it must apply to the Upper House, 189.
Sends message to Lords accordingly, 190.
Prepares for conference, 191. 193.
Debate on the management of the Conference, 193—196.
Second conference to supply omissions in the first, 197.
Has found abuses in eminent persons and desires another conference, 215.
Demands judgment against Bacon, 270.
Passes judgment on Edward Lloyde, 272—274.
Promises to support a war for the recovery of the Palatinate with the lives and estates of all its constituents, 281, 282. 330, 331.
Votes a single subsidy, 331. 456.

Commons, House of—*continued.*
Recommends a scheme of policy, 456, 457.
Insists upon privilege of discussion, and is dissolved, 455, 456.
A new House called specially to hear the case and give advice upon it, 459, 460.
Notes for a speech in, 460—465.
Advises the King to put an end to the treaty, and promises him a triple subsidy in that event, 465.
Shrinks from pledge to provide enough for the recovery of the Palatinate, 466—468.
Votes for the present a third of the sum required, 467. 505, 506.
Ceases to care about the recovery of the Palatinate, 506—509.
Offers two subsidies, 507.
Commonwealth Commissions, recommended by Bacon to be established and declared in the Star Chamber, 70—72, 73. 75. 77.
Compton, William, a suitor, 257.
Conferences between the two Houses, 191—196. 199, 200. 202, 203. 215. 221—223.
Confession and submission, Bacon's, 251—262.
Constable, Sir John, Bacon's wife's sister's husband, appointed literary executor, 228. 539.
Bequest to, 542. 552.
One of the trustees of his land in Hertfordshire, 543.
One of his executors, 544.
Lady, bequest to, 542.
Nall, Do.
Constantine the Great, 359.
Conway, Sir Edward, Secretary of State 399. 413.
Correspondence with, 402. 407. 409. 414. 421. 433. 515. 549.
One of Buckingham's friends that wished Bacon well, 516.
Cooke, Lady (widow of Sir W. Cooke of Highnam?) bequest to, 542.
Ann, Do.
Charles, Do.
Cooke, Robert, M.P. for Fowey, assists at the Conference, 191.
Corruption, charge of, against Bacon, 215.
State of the law concerning, 217—220. 263.
Cottington, Sir Francis, in Spain with the Prince, letters to, 405. 425. *See* also 429.
Cotton, Mr., one of Bacon's sureties, 404.
Cotton, Sir Robert, 300.
Council, consultations in, concerning the election of the Count Palatine to the Bohemian throne, 43—45.
Report on the case of Sir Henry Yelverton, 98.
Circular from, to the Nobility, inviting contributions for the defence of the Palatinate, 131—133.
Advise prompt and peremptory dealing with Spain in the matter, 457, 458.
Courteen, a Dutch merchant, fined for tampering with witnesses, 49.
Courts, jurisdiction of, 352.
Coventry and Lichfield, Bishop of, one of the Committees of four for examination of evidence against Bacon, 245.
To be advised with as to the lectures to be erected in the Universities, 544.
Coventry, Sir Thomas, succeeds Yelverton as Attorney-General, 159.
A referee for the patent of Alehouses, 185.
A commissioner for the patent of Gold and Silver Thread, 204.
How concerned with the patent of Concealments, 195.
Warrant to be referred to, 521.
Correspondence with, 534, 535.
Cranfield, Sir Lionel, Master of the Wards, on the disposal of the pretermitted customs, 76. 80, 81.
Moves in the House of Commons for an enquiry into the certificates made by the Referees, in case of the Patents complained of, 187.
Thinks better of it, 192.
One of a Committee to set down the judgment against Edward Lloyde, 273.
Expected to be made Lord Treasurer, 304.
Letters to, 330. 346, 347.
Wished by Buckingham to buy York House, 334. 342, 343, 344.
Reference of Bacon's debts to, 349. 352. 381.
Bacon's memorial sent to him by Buckingham, 395.
Notes for a conference with him, 396.
His disposition towards Bacon, 395—397.
Complaints against him, and

Cranfield, Sir Lionel—*continued.*
quarrels with Lord Keeper Williams, 399.
Grows in favour with the King, 402.
Withdraws from his dependence on Buckingham, 441.
Suit of Bacon's referred to, 451, 452.
See also 339. 386.
Crew, Sir Randolph (Ranulph or Randall), King's sergeant, 35.
Advised with about preparations for a new Parliament, 114, 115.
Sent by the Lords to inform the Commons that they are ready to give judgment against Bacon, 270.
Crew, Thomas, sets forth the grievance of the Patent of Inns at the Conference, 191. 193. 196.
To be conferred with by the Lords' Committee, 203.
Appointed by Bacon one of his executors, 229. 544.
One of the trustees of his land in Hertfordshire, and of his fine, 543.
Crooke, Justice, death of, 75.
A referee for the Patent of Inns, 187.
Currants, 62.
Cuffe, Henry, his remark upon one of Bacon's early sketches of the Instauration, 532.

D.

Dalby, the Countess of Buckingham's house in Leicestershire, 392.
Dallington, Mr., letter from Buckingham in behalf of, 109.
Darcy, Sir Christopher, bequest to, 542.
Daty, Bacon's cook, legacy to, 543.
Davenport, Randolph, witness against the Bishop of Landaff, 222, 223. 246, 247.
Davies, Serjeant, not to open the information against the Earl of Suffolk, 50.
D'Avila, 462.
De Augmentis Scientiarum, composition of, 353. 379.
Publication of, 435.
Presentation copies to the King, the Prince, the Duke of Buckingham, the two Universities, and Trinity College, Cambridge, 436—440.
Why some passages were omitted, 436.
Place of, in the Great Instauration, 531.
De Sapientia Veterum, 531.
Debt of the Crown, gradual reduction of, 84, 85.
Debts, Bacon's, referred to the Lord Treasurer, 346, 347. 349. 352. 381.
The King's warrant touching, 393, 394.
——— and assets of estate, 552.
Decemvirs' laws, 360.
Democritus, 377.
Demosthenes, recalled after banishment, 297.
Behaviour of in exile.
On preventive war, 476.
Preserved both his orations and his epistles, 546.
Denmark, Kings of, in 1588 and in 1624, 497.
Denmark, Christian IV., King of, his correspondence with Bacon, 31. 82. 142. 166.
Negotiations with, 526.
Denny, Lord, one of the Commissioners to take examinations in the case of Edward Lloyde, 277.
Dennys, [illegible], 11.
Digby, Lord, afterwards Earl of *Bristol*, would have extenuated Sir Thomas Lake's fault, 7.
Favourably mentioned by the King to the Prince, [illegible] he thought he was dying, 9.
His negotiation of the marriage treaty with Spain, 16.
Manager of the negotiation with the Hollanders, 38.
His sentence on the Earl and Countess of Suffolk, 59.
Appointed to speak with the Countess of Exeter, 66.
Contributes 500*l.* to the voluntary subscription for defence of the Palatinate, 118.
His mission to Brussels, and relations with Matthew and Bacon, 201, 202. 210, 211.
Endeavours to get leave for Toby Matthew to return to England, 286.
Letters from Bacon to, 322. 345. 424.
Means to write to Bacon before going on his embassy, 325.
Explains to the two Houses the case of the Palatinate, 331. 456.
An intercessor on behalf of Bacon, 335.
His journey, 342.

Digby, Lord—*continued.*
His views and hopes regarding the Spanish match, 369, 370. 400.
Instructions to, recommended by the Council, 457.
Further instructions, leading to breach of the match, 458, 459.
Digby, Thomas, a petitioner referred by the King to Bacon, 46.
Digges, Sir Dudley, a member of the Committee of Grievances, offers a bill to remove the grievance of patents, without touching the referees, 188.
Chosen to make the introduction at the conference with the Lords, 191. 194.
Dissolution of Parliament without act passed, its effect on judgments of Upper House, 331—333.
Causes of, 455—457.
Divinity, flourishing state of, 176.
D'Ocampo, Alonzo, 494.
Dockwray, Sir H., offers 1000*l.* per annum to the Lord Treasurer Suffolk for favour in paying the army, 57.
Domitian, 358.
Doncaster, Lord, 335.
Dorset, Edward Lord, one of the committee to take examinations in
Dorset, Edward Lord—*continued.*
the case of Edward Lloyde, 277.
Douglas, Sir Robert, concerned in the business of wills, 111.
His patent to be delivered to him, 545.
Downing, Mr., his promise to Robert Cecil of 40*l.* for his friendship in the Beccles cause, 561.
D'Oyley, Robert, plaintiff in a chancery suit, 83.
Drake, Sir Francis, Expedition of against the West Indies and the coasts of Spain, 485, 486. 495.
Druse in Normandy, 495.
Dunch, Mr., a suitor, 258.
Durham, Richard Neile, Bishop of, on one of the committees of four for examination of evidence against Bacon, 245.
Against requiring Bacon to answer the charges in person, 249.
His vote on question of punishment, 269.
Note of some message to, 299.
Dutch merchants, proceedings against for exporting gold, 4. 30. 34. 47. 50. 60, 61. 63, 64.
Some prosecuted *ore tenus* in the Star Chamber, for tampering with the witnesses, 47, 48, 49.
Amount of the fines, 69.

E.

Eaton, Sir Robert, a candidate for the Provostship of Eton, 407.
dgar, King, 361.
dicts, of the Prætors, 360.
Of the Emperors, 361.
Of the French Kings, 362.
dmonds, Sir Thomas, his sentence on the Earl and Countess of Suffolk, 59.
Edney, Francis, Bacon's late servant, legacy to, 543.
Education of Youth, proposed treatise on, 351.
Egerton, Edward, a disappointed briber, presents a petition against Bacon, 213, 214. 221, 222, 223. 252, 253.
Sir Rowland, the other party in the same cause, 222. 252, 253.
Elections, result of, not promising for the Government, 152. 155.
Eliot, Sir John, commentary of on the debates in Charles's first Parment, 509.
Elizabeth, Countess Palatine, 32.
Queen of Bohemia, correspondence with, 364. 366. 533. 535.
Buckingham's duty towards, 450.
Elizabeth, Queen, her dealing with the attack upon Monopolies, 183.
Her displeasure at the slaughter of the Spanish garrison by Lord Grey, 484.
Elegy *in felicem memoriam* to be published, 540.
Unfortunate effect of her encouragement of Bacon in his youth, 563.
Ellis, Leslie, on Bacon's *Historia Vitæ et Mortis*, 399.
Elsing, notes of the Lords' debates by, 248. 262. 267—271.
England, strength of as compared with Spain in 1588 and 1624, 496, 497.
Englefield, fine to be levied on, 110. 258.
English, the honour of the day at Newport ascribed to, 492.
Englishman and Frenchman, the difference between, 110.
Ente, Josias, sent for to answer in the business of the Dutch merchants in the Star Chamber, 40.
Epsley, Sir John, 412.
Essays, 374.

Essays—*continued.*
To be translated into Latin, 429. 531.
Publication of, 536, 537.
Essex, Robert, Earl of, 491. 493.
Eton, Provostship of, 407. 421. 428. 451.
Exchequer, ancient summons of, 190.
Exeter, Earl of, his quarrel with the Lakes, 3.
Exeter, Countess of, scandalous accusations against, 3.
Judgment in her favour in Star Chamber, 7.
Refuses to accept a submission in writing from Sir T. Lake, 66.
Expenditure of the Crown, reductions in, 170.

F.

Faldo, Bacon's ancient servant, legacy to, 543.
Falkland, Henry Cary, Lord, 320.
His child to be christened by Buckingham, 325.
Fetches Lord and Lady Somerset out of the Tower, 326.
Message by, 342, 343.
Letter to, 344.
Farmers of the Customs, their yearly gratuity to the Lord Treasurer Suffolk, 57.
Fear, just, a sufficient ground for war, 474.
Fees and allowances, to the officers of Justice, amount of, 266.
——at discretion, then the ordinary remuneration for all services not judicial, 561, 562.
Forbidden in the New Atlantis, 561.
——of barristers and physicians, present law regarding, *ibid.*
Feild, Dr., Bishop of Landaff, accused by the Commons of Bribery, 222, 223.
Proofs found weak by the Lords and an admonition sufficient, 246, 247, 248.
Felt-makers, decree for, revised by Act of Parliament, 557.
Fenton, Lord, recommended to the Prince by the King when he thought he was dying, 9.
Ferdinand of Styria; heir elect to the kingdom of Bohemia, 18. 29.
Succeeds to the Crown on the death of Matthias, 42.
Deposed, *ibid.*
Elected Emperor of Germany, *ibid.*
Ferdinando, King of Naples, in league with Florence and Milan against Venice, 477.
Fiat (D'Effiat), Marquis, French ambassador, 526.
Letters to, 527. 536.
Bequest to, 541.
Finances, improvement in, 32, 33.
Alarming condition of, 110. 116, 117.
Finch, Heneage, Recorder of London, sets forth the grievance of the Patent of Gold and Silver Thread at the Conference, 191. 193. 196. 203.
To be conferred with by the Lords' Committee, 203.
Finch, Mr. John, Bacon's bequest to, 228, 229.
Finch, Serjeant, a referee for the patent of Inns, 185.
Fines set on the Dutch merchants, how to be applied, 69.
——of Bacon to the Crown, assignment of, 301. 349.
Fisher, Sir Edward, a suitor, 254.
Fitz-Maurice, 484.
Fleetwood, Francis, Bacon's godson, bequest to, 542.
Fletcher, Bacon's ancient servant, legacy to, 543.
Forces of Spain and England compared, 461—464.
Forster, Mr., life of Sir John Eliot by, 509.
Fort del Or, 484.
Fortescue Papers, letters from, 2. 14. 67. 75. 77. 111. 114. 159. 309. 409. 437. 442. 522.
France, a strait league to be treated with, 443. 446.
Offer of Bacon's service upon a commission into, 443, 444.
State of, in 1588 as compared with 1624, 496.
Opposition of, to Spain in Italy, 502.
Policy of, to cultivate the goodwill of the Popes and Cardinals, 504.
Negotiations with, 526.
Francis I. of France, provident foreign policy of, 477.
Francis, Mr. Matthew, sergeant-at-arms, his quarrel with Mr. Collis, 529.
Fraser's Magazine, historical paper in, 303.
Frederick, Count Palatine of the Rhine, tries to engage England in the

lerick, Count Palatine—*continued.*
cause of the Bohemian Protestants, 21.
His correspondence with Bacon, 21, 22.
Elected to the throne of Bohemia, 42.
Asks King James's advice: questioned as to the validity of the election, 43--45.
Missing papers concerning, 46.
Money borrowed for, from the King of Denmark, 81.
Proofs of the validity of the election not satisfactory to James, 105, 170.
His Palatinate threatened; volunteers allowed to be levied, and money to be borrowed in England and Scotland, 106.
His defeat at Prague, how it affected his position towards King James, 153, 154.
French merchants, business between them and the Vintners of London, 260.
Frenchmen and Englishmen, the difference between, 110.
Friendship, Essay of, 429.
Froude, J. A., original letter of Bacon's copied by, 454.
Fulgentio, Father, letter to, 530, 531, 532.
Fullerton, Sir James, candidate for the Provostship of Eton, 407.

G.

er, 501.
, Mr., a friend of Toby Mathew's, 429. 431.
a, Sulpitius, on preventive war, 475.
eo, answers Bacon's treatise on the Flux and Reflux of the Sea, 35.
His error as to the interval between high and low water, as to the influence of the moon, and as to the mechanical causes of the ebb and flow, 36.
iner, Anthony, a witness in Bacon's case, 253.
liner, S. R., copies of Bacon's letters to the King of Denmark, procured by, 31.
Proclamation printed by, 206.
Copies of MS. letters communicated by, 421. 498.
On the travels of Sir Edward Sackville, 465.
Patent Rolls and Signet Office docquet Books searched in vain by, for traces of Bacon's pardon, 519.
rard or Garrett, Mrs., her cause, 54.
raston, Peter, 444.
nblours, 484.
rman nation, liberty of, 443. 446.
League to preserve, 500, 501.
rmany, Emperor of, how related to Bohemia, 18.
Spanish acquests in, 463.
Princes and cities of, apprehensive of the designs of Spain, 497.
Election of the Emperor of, by the Bull of the Pope, 505.
Design of Henry IV. of France to free it from the House of
German, Emperor of—*continued.*
Austria, *ibid.*
Negotiations for combined action in, 526.
Gerrard, Sir Thomas, has a cause depending in the Duchy Court, 121.
Ghent, Retreat of, 461. 485.
Glanvyle, John, M.P. for Plymouth, assists Crew at the Conference, 191.
Goa, design of the Flemings upon, 504.
Gold, proceedings against the Dutch merchants for illegally exporting, 4. *See* Dutch merchants.
Proclamation for light gold sent to the King by Secretary Calvert, 74.
Gold and Silver Thread, manufacture of, taken into the King's hands, 204.
Commissioners appointed to protect it, *ibid.*
Gondomar, Count de, his action, 14.
His interview with the Commissioners for the treaty with Spain, 17.
His view of the position of England, 18.
His return to England and reception by the King, 106.
His conferences with him about the Palatinate, and reopening of the marriage treaty, 107.
Bacon's bequest to, 228.
His offer to procure the good offices of the King of Spain in Bacon's behalf, 285.
Favours procured by him for Bacon, 318, 319.
His character, 335, 336.

Gondomar, Count de—*continued.*
Employed to deal with Buckingham about Gorhambury, 336.
His hopes from the dissolution of Parliament, 369. 400.
His interference to prevent the appointment of a titulary Roman bishop for England, 379.
Suggests to the Prince a private visit to Madrid, 401.
Letters to him from Bacon, 318. 411. 421—423.
Admitted into the Council of State, 422.
Out of credit with the Prince and Duke, 429. 441.
A letter from, 457.
Gorhambury, sweet air of, 13.
Offer of, to Buckingham, 334. 336. 338 403.
Purpose to sell, 410.
Fate of, 551.
Scene in Bacon's study at, 563.
Goodrich, Mr., recommended by Bacon for employment, 414.
Bequest to, 542.
Gotheram, old Thomas, legacy to, 543.
Granada, 479.
Grand Council, called by Henry VII., 333, 334.
Grandison, Sir Oliver St. John, Lord, 446.
Gratuities from suitors, to whom forbidden by the statute, 217.
Gray's Inn, Bacon retires to, 406.
Chambers in, to be sold, and the proceeds to be applied to relief of poor scholars, 542.
Greatness, the quality of, 574, 575.
Greenvill, Sir Richard, captain of the "Revenge," 491.
Greville, Fulke (afterwards Lord Brooke), Chancellor of the Exchequer, 33.
His sentence on the Earl and Countess of Suffolk, 59.
Greville, Fulke—*continued.*
His opinion of Bacon's 'History of Henry VII.," 325, 326.
Grey, Lord, defeat of Spaniards in Ireland by, 480.
Garrison put to the sword by, 484.
Grieslay, Mr., 429.
Grievances, Committee of, appointed, 180.
Falls upon monopolies, 183.
Patent of Gold and Silver Thread referred to, 184.
Patent for Inns and for the forfeiture of the Recognisances of Alehouses reported by, 184, 185.
Informed of result of search for precedents of punishments inflicted by the Lower House, 187.
Report that the House has no power to deal judicially with delinquents of this kind, 189.
Arrangements made by, for conference with the Lords, 191. 193.
Abuses in the Courts of Justice and Chancery brought before, 209.
Griman, Mr. Ri., 515.
Grocers and Apothecaries, business between, 259, 260.
Patent concerning, 514.
Grosart, Rev. Alexander, his objection to my conjecture as to Bacon's motive in publishing his translation of the Psalms, 523.
Gruter, Isaac, employed by Sir W. Boswell to edit Bacon's MSS., 552.
Guicciardine, on the league against the Venetians, 477.
Guilman, Bacon's ancient servant, legacy to, 543.
Gwillams, George, imprisoned by order of Sir T. Lake, 65.

H.

Hackwill, Mr., sent with Noye to search for precedents in the Tower, 187.
See Noye.
Sets forth, at the Conference with the Lords, the grievance of the Patent of Concealments, 191. 193. 195.
To be conferred with by the Lords' committee, 203.
Haddington, Lord, recommended to
Haddington, Lord—*continued.*
the Prince by the King when he thought he was dying, 9.
Hailes, Mr., of Warwick, witness in a case of alleged conjuration and and witchcraft, 31.
Hale, Sir Matthew, his treatise on the jurisdiction of the House of Lords, 271. 556—558.
Inference from, as to the charac-

Hale, Sir Matthew—*continued.*
ter of Bacon's decrees in Chancery, 558.
Haller's opinion of Bacon's *Historia Vitæ et Mortis*, 399.
Halpeny, Robert, Bacon's servant, legacy to, 542.
Witness to the publication of his last will, 545.
Hamilton, Marquis of, (sitting in the House of Lords as Earl of Cambridge,) specially recommended to the Prince by the King when he thought he was dying, 9.
Receives a grant from the King, 13.
His sentence on the Earl and Countess of Suffolk, 59.
His vote on Bacon's punishment, 269.
Hansby, Sir Ralph, a suitor, 256.
Hargrave, Francis, on impeachment, 271.
His preface to Hale's Jurisdiction of the House of Lords, 556. 558.
Harington, Lord, joint-patentee with Somerset of the reversion of Sir John Roper's office, 101.
Harris, Bacon's servant, bequest to, 228.
Harrys, a goldsmith, 366.
Harsnep, Bacon's groom, legacy to, 543.
Haselfoot, Thomas, a witness in Bacon's case, 260.
Hastings, Sir George, a witness in Bacon's case, 253. 257.
Hatcher, Francis, Bacon's godson, bequest to, 542.
Hatcher, Mr., William, Bacon's servant, appointed one of his executors, 229.
See Holman and Yong, 254.
Hatton, Luke, bill brought against by Sir T. Lake, 7.
Imprisoned by the same, 65.
Hawkins, Sir John, voyage into the West Indies, 495.
Heath, Robert, succeeds Coventry as Solicitor-General, 159.
Named by Bacon as a friend to deal with Buckingham for him, 320.
Hedley, Sir Thomas, one of the trustees of Bacon's land in Hertfordshire, 543.
Heidelberg, fall of, 457.
Helmes, Sir Henry, a witness in Bacon's case, 254.
Hempstead, bequest to the poor of, 540.
Henry II. of France, 443. 446.
Henry IV. of France, the best commander of his time, 486.
Design of, to free the empire from the House of Austria, 505.
Henry VIII. proposed history of, 352. 399. 405. 429. 436.
His endeavour to purge the Canon Law, 362.
His provident foreign policy, 447.
Herbert, Mr., of the Inner Temple, to be consulted by Sir John Constable as to the publication or suppression of MSS., 540.
Herbert, Sir John, Principal Secretary, a commissioner for the patent of Gold and Silver Thread, 204.
Hidalguia in Spain, the only class to draw soldiers from, 502.
Higginson, Hugh, sent for to answer in the business of the Dutch merchants in the Star Chamber, 40.
Hispaniola, taking of St. Jago and St. Domingo in, 485.
Historia Ventorum, publication of, 404. 395. 399.
By whom printed, 519.
Character of, 532.
Historia Vitæ et Mortis, 398, 399.
By whom printed, 519.
Character of, 532.
Historia Densi et Rari, 434.
History of Henry VII., commencement of, 295.
Manuscript of, sent to the King, 302.
Passed to Lord Brooke, 325.
The King's amendments, do.
Publication of, 352, 353.
Presented to Buckingham and the King, 356, 357.
To the Queen of Bohemia, 364—366.
Lost letter concerning, 367.
Object of, 373, 374.
To be translated into Latin, 429. 531.
See 386.
Hitcham, Mr., Serjeant, 270.
Hodie *v.* Hodye, 253.
Holland, commissioners from, 4. 38.
Hollanders, proposal of, to make a joint-attack upon the Indian fleet, 112.
Service of their fleet in 1588. 489.
Increase of their shipping and wealth, in 1624, 497.
Holman and Yong, suitors, 254.
Honours, translation of Bacon's after his decease, 442. 534. 535.

Houghton, William Holles, Baron, on one of the Committees of four, for examination of evidence against Bacon, 245.
Hubbard (or Hobart), Sir Henry, Lord Chief Justice of the Common Pleas, his sentence on the Earl and Countess of Suffolk, 59.
Advised with about preparations for a new Parliament, 114, 115.
Dangerously ill, 155.
A referee for the patent of Alehouses, but did not certify, 185.
Hughes, "a mean fellow," opened the information in the cause of the Dutch merchants, 50.
Humphreis, secretary to Lord Wallingford, accuses the Earl of Suffolk of exaction, 1. 58.
Hunsdon, Henry Carey, Baron, afterwards Viscount Rochfort and Earl of Dover, on one of the Committees of four for examination of evidence against Bacon, 246.
Hunsdon, Henry Carey—*continued.*
His part in the debate on Bacon's punishment, 268.
Note of some message to, 299.
See 405.
Hunt, John, Bacon's servant, 256. 259.
Huntingdon, Henry Hastings Earl of, chairman of one of the Committees of four for examination of evidence against Bacon, 245.
In favour of requiring him to answer the charges in person, 249.
See 268.
Hutton, Justice, appointed supervisor of Bacon's will, 229.
One of the trustees of his fine, 543.
One of the executors of his last will, 544.
See 334.
Huxley *v.* Compton, 257.

I.

Indies, 464. 479.
Spanish possessions in West, 501.
Treasure of the, one of the pillars of Spain's greatness, 504.
Little known about the Spanish West, 505.
Policy of England in the East, *ibid.*
Informers, the King's gracious intention towards, 81.
Ingram, Sir Arthur, 320. 330. 339. 346. 347. 396. 397.
Inns, Sir G. Montpersons patent for, 148. 183.
Brought in question in the Lower House, 184.
Coke's first opinion of it. *ibid.*
Instances, multitude of, 375, 376.
Instauration, plan and progress of, 373. 379. 531.
Interlopers, in the Gold and Silver
Interlopers—*continued.*
Thread business, new device for preventing, 204, 205.
Iphicrates, on the true security for peace between nations, 476, 477.
Ipsley, Sir Francis, pays 1000*l* for favour about Allum works, 57.
Ireland, to milk treasure from, to milk blood, 53.
Might be brought to bear its own charge, 117. 149.
Plantation and reduction to civility of, the King's work, 175.
Precautions for the safety of, 446.
Twice invaded by Spain, 480.
Attempt to conquer for the Pope's use, 484.
Reduced to obedience and planted, 496.
Isaac Comnenus, character of, 576, 577.
Isburgh, Charles the 5th's retreat from, 463.

J.

James I.
Wishes to give the Earl of Suffolk a private hearing before calling him into the Star Chamber, 2, 3.
Tries in vain to keep the quarrel between the Lakes and Exeters out of court, 4.
Hears the case himself, 7.
His dangerous illness, preparation to die, and slow recovery, 9.
James I.—*continued.*
Feelings of the people, *ibid.*
Recommends Philip Bernardi's petition to the Lord Chancellor for despatch, 12.
Grants suit worth 2000*l* a year to Lady Bedford and Marquis Hamilton, and pension to Bacon, 13.
Appoints Bacon to attend him, 15.
Proceeds in the negotiation with

James I.—*continued.*
Spain according to the advice of the select Councillors, 16.
Abstains from consulting them on the point of religion, not being prepared to break off upon it, 17, 18.
Not prone to seek advice when his own mind was made up, 19.
His view of the Bohemiam question, 42. 46.
Directs the Council to proceed with the *ore tenus* against the Dutch merchants, 48, 49.
Directs Bacon to admonish the Judges for negligence in the presentation of Sheriffs, 55, 56.
Orders the Commissioners of Treasury to set out a proclamation restraining the plantation of Tobacco, 64.
Consents that Sir T. Lake shall make submission in writing, 66.
Effect of his appearance in person in the Star Chamber, 70.
Desires Bacon to follow up his suggestion of standing commissions, 72, 73. 75. 77.
Gives directions about the examination of Peacock (who pretended that he had bewitched his judgment in Lake's case), 76.
Sends to the King of Denmark to borrow money for the Count Palatine, 81.
Result of his study of the Bohemian question. Conferences with Gondomar, 105—107.
His unsuccessful attempt to bring about a general pacification, 107, 108.
The difficulty of his position, 109.
Refuses to join with the Dutch in an attack upon the Indian Fleet, 112.
Is undeceived as to the real intentions of Spain by Spinola's movement against the Palatinate; and declares his resolution to take up arms in defence, and to call a new Parliament, 112, 113.
Approves of the advice of Bacon, the two Chief Justices, and Serjeant Crew, as to preparatory measures, 117.
Writes to Bacon an acknowledgment of the presentation copy of the *Novum Organum*, 122.
Objects to the discussion of the political situation in a Proclamation for the new Parliament, 123. 128.

James I.—*continued.*
Will not strike the words "wrangling lawyers" out of a Proclamation, 140.
Approves draught of Proclamation against licentious speaking and writing on state matters, 152. 154, 155.
Proposes to meet Parliament with a declaration that he will go to war, if necessary, for the recovery of the Palatinate, 154.
Decides to grant a patent for engrossing wills, *ibid.*
Finds the *Novum Organum* hard to understand, 168.
His speech to the two houses, 169—171. 179.
Singular felicities of his reign enumerated by Bacon, 175, 176.
His answer to the petition for better execution of the laws against Jesuits, 182.
His course of proceeding with proposed patents, 184.
Anxiety of the Commons to avoid all complaint against him personally, 188. 192. 199.
Warns Bacon of the coming complaints against the Referees, 189, 190.
His supposed influence over Sir Edward Coke, 192. 194.
Makes another speech to the House in his own excuse, 197.
Warned by Bacon of the danger of sacrificing advisers, 199, 200.
Bacon's confidence in his favour, 201.
Releases certain prisoners upon a petition from the City, 205. 208.
Offers to grant a commisson to six members of the Upper and twelve of the Lower House to examine the proofs against Bacon, but does not press it, 223.
Makes a speech to the Lords, leaving the matter in their hands, and announcing his intention to revoke the three patents principally complained of, 227.
Admits Bacon to a private interview, 235.
Declines to interfere in any way with the action of the Lords, 239.
Upon the motion of the Lords, appoints commissioners to receive the seal from Bacon, 262.

James I.—*continued.*
Remits part of the sentence on Edward Lloyde, 278.
Respites Bacon's imprisonment during his great sickness, 279.
Sends warrant for his discharge from the Tower, 281.
Had shed tears at the beginning of his trouble, *ibid.*
Receives a promise from the House of Commons of the lives and estates of all their constituents if he should require them, for the recovery of the Palatinate, 282.
Asks for Bacon's advice touching the reformation of justice and the relieving of the grievances of the people, 288, 289.
Refuses to give him longer leave to stay within the verge of the Court, 291.
Grants him licence to stay in London for six weeks, 300, 301.
Makes an assignment of his fine to persons nominated by himself and grants him a coronation pardon (Parliamentary sentence excepted), 301. 305, 306, 307.
Sends for the MS. of the History of Henry VII., 303.
Displaces Mandeville to make room for Cranfield as Lord Treasurer, 304.
Allows L. Keeper Williams to delay the sealing of the pardon, 312.
The scruple overcome, possibly by the influence of Gondomar, and the pardon passed, 318.
Recommends the History of Henry VII. to Lord Brooke, 325.
His remark upon Bacon's refusal to part with York House to the D. of Lenox, 343.
His nature to love to do things unexpected, 345.
Refers to Cranfield the consideration of Bacon's debts, 346. 357.
Grants him liberty to come within the verge, 357.
Suspected of not feeling towards him as he did. Influence of Cranfield and Williams, 386. 401, 402.
Directs certain principal officers to deal with his creditors on his behalf, 393, 394.
Promises a personal interview, 393.

James I.—*continued.*
Quarrels with the Commons, 400. 455, 456.
Admits Bacon to speak with him, 402. 408. 411. 413.
His answer to Bacon's suit for the Provostship of Eton, 409.
Was wont to say that Bacon was not made for small matters, 424. 445.
Summons the Council to hear the articles of the Spanish Marriage, and takes his oath to observe them, 430.
Promises to read the *De Augmentis Scientiarum*, 438.
Not yet prepared to follow the course to which Buckingham had committed himself with regard to Spain, 441.
Refers to Cranfield Bacon's suit for his brother's arrear, 452.
Not prepared to follow boldly the course recommended by the Council with regard to Spain, before the Prince went over, 457, 458.
Comes over to their views on his return, 458.
Insists upon a definite engagement by the King of Spain to restore the Palatinate, *ibid.*
Had had no control over the negotiation while the Prince was at Madrid, 459.
Calls a new Parliament avowedly for advice as to the prosecution of the treaty, 460.
Failing to obtain a grant of money sufficient to maintain a conquering army, resolves to send a contingent to the army under Mansfeldt, 506, 507.
Agrees to the payment of Bacon's pension three years in advance, 521.
Apparent success of his measures during 1624, 521. 526.
His military disaster and death, 526.
Jardine, David, on the practice with regard to torture-warrants, 79.
Jepson, Sir John, 11.
Jesuits, the, 447.
Properties and advantages of, 503.
Policy of the Pope regarding, 503, 504.
Policy of France to erect a new order of the same kind dependent upon herself, 503.
Jhuan d'Austria, 483.
Lost the fruit of the victory of Lepanto, 503.

Jocelyn, Mr., a gentleman recommended for employment by Bacon, 421.
Johnson, Mr., 322.
Johnson, Alderman, a witness in Bacon's case, 259.
Jones, Samuel, a witness in Bacon's case, 260.
Jonson, Ben, his lines on Bacon's birthday, 166.
His description of his oratory, 574.
His personal feeling towards him in his adversity, 576.
Josepho, San, invades Ireland, 484.
Judge, Bacon on the duties of a, 103, 104.
Justice, Committee for Courts of, report from, 210.
Petitions referred to, 212. 214.
Reports matter for a charge of corruption against the Lord Chancellor, 215.
Advice touching reformation of, 289.
Proposed treatise *de Legibus et Justitia*, 352. 373.
Justinian, 361.

K.

Katherine, Infanta, negotiation for her marriage with Prince Arthur, 303.
Keeling, Richard, a witness in Bacon's case, 253, 254. 261.
Kellet, John, a witness in Bacon's case, 260.
Kelly, Thomas Erskine, Earl of, message to, 299, 300.
Kenneday, Sir John, his cabinet, 255.
Kent, Thomas, witness to the publication of Bacon's last will, 545.
Killegrew, Sir Robert, suitor for concealed lands, 69.
Kinsale, battle of, 462. 493, 494.
Kirkam, Mr., communicates with Bacon on the coal-duty, 74.
Knight, Thomas, a witness in Bacon's case, 260.

L.

Lake, Lady, judgment against, in the cause between her and Lady Exeter, 7. 34.
Lake, Arthur, committed for perjury, 34.
Lake, Sir Thomas, involved in a quarrel between his wife and daughter and Lord and Lady Exeter, 3.
Dismissed from his office, 7.
His acknowledgment, 34.
His submission, 64—66.
A referee for the Patent of Inns, 185.
A Commissioner for the Patent of Gold and Silver Thread, 204.
Lammas Day, 461. 483.
Lansdowne, Lord, the poet; his account of a case in the Star Chamber, 92.
Large, John, legacy to, 548.
Latimer, Lord, notes upon his case, 238.
Latin, the "general language," 434, 435.
Writings translated into, 531. 537.
Laws, select committee appointed to consider and report upon the means of consolidating, 181.
Project for recompilement of, 295. 339. 351. 353, 354. 356, 357. 358—364. 386.
Of England, 362.
League, party of the, 496.
Lectures in natural philosophy to be erected in the two Universities, 544. 546, 547.
Lee, Sir John, notes upon his case, 238.
Legge, Edward, witness to the publication of Bacon's last will, 545.
Leigh, Sir Thomas, a magistrate, 30.
Lenox, Lodovick Stuart, Duke of (sitting in the Lords as Earl of Richmond), recommended to the Prince, by the King, when he thought he was dying, 9.
Delivers a letter of submission from the Earl of Suffolk, 51.
His sentence upon the Earl and Countess, 59.
Against requiring Bacon to answer in person to the charges of corruption, 249.
One of the commissioners to receive the Great Seal from Bacon, 262.
Moves that the charge and confession be compared, 267.
Note of some message to, 299.
Correspondence with about York House, 326, 327. 334. 343.
Sends for a privy seal which Bacon had stayed, 404. 513, 514.
Lentall, Sir John, 256.

Lepanto, fruit of the victory of, sacrificed by Don John of Austria, 503.
Lerma, 448
Letters, register-book of, 540.
Written *è re nata*, the most valuable of our antiquities, 546, 547.
Ley (Lea), Sir James, Chief Justice of the King's Bench, afterwards Lord Treasurer, appointed to supply Bacon's place in the House of Lords, 215, 216.
His part in the proceedings against Bacon, 248. 250. 252. 268, 269, 270.
His relations with Bacon, 527, 528, 529.
Lewis XI., 362.
Lewis, a patentee, 30.
Liens, one of the Commissioners from the States General, 38.
Lisbon, expedition against, 462. 490.
Defence of, 472.
Lister, Bacon's servant, 258.
Livius, Marcus, condemned for exactions but restored, 297.
Lloyde (Floyd or Floud), Edward, proceedings against in the House of Commons, 273.
Case transferred to the House of Lords, 274.
Trial, verdict, sentence and execution, 274—277.
Lloyd, Sir Robert, suitor for office of Registrar of Wills, 121.
See Wills.
Receives grant of it, 154.
Locker, John, warrants copied by, 300, 301.
Lodovico Sforza, Duke of Milan, in league with Naples and Florence against Venice, 477.
Loffelt, A. C., his account of a Dutch translation of Bacon's essays, 365, 366.
Extracts from the preface, 524, 525. 566. 576.
London, Bacon's coachman, legacy to, 543.
London, Bishop of, preaches the thanksgiving sermon for the King's recovery, 9.
Note of some message to, 299.
Demurs to the publication of the 'History of Henry VII.', 353, 355.
City of, exorbitant charter granted to, 98.
See Yelverton.
Long's cause, 528.
Lords, House of, not to sit on Wednesdays and Fridays, being Convocation days, 190.
Their fear of offending the Commons, 199.
Their proceedings with regard to the Patents complained of, 190. 191. 197, 198. 202, 203.
Agree to a conference with the Commons for the purpose of hearing the charge against Bacon, 215.
Warn him to provide for his defence, 216.
Appoint three committees of four, to take the examinations, 223.
Prescribe the questions to be asked and take measures to save the witnesses harmless, 224.
Read Churchill's confession and instructions, *ibid.*
Their method of judicial enquiry, 245, 246. 251. 263—266. 271, 272.
Their decision in the case of Dr. Feild, 246, 247.
Debate on Bacon's letter of submission, 248, 249.
Send him the particulars of the charge, 249.
Accept his answer as a full confession, 262.
Debate upon the sentence to be given, 267—270.
Judgment and resolution, 270, 271.
Sentence on Sir Francis Michell, 274.
Trial and sentence of Edward Lloyde, 274—277.
Petitioned by Bacon to recommend his suit to the King, 321.
Their judgments how far invalidated by the dissolution and proclamation, 331—333.
Invalid for want of formal record, 332, 333.
Bacon's desire to be re-admitted to, 453—455.
Writ of summons to, 453.
Lorenzo of Medici, in league with Naples and Milan against Venice, 477.
Louis XIII. of France, 496.
Loveis, Leonard, defendant in a Chancery suit, 83.
Low Countries, liberties of, 443. 446. 461.
Strength of, by sea, 464.
Spanish possessions in, disputed by the United Provinces, 464.

Low Countries—*continued.*
Spanish policy regarding, 479.
English difficulty, 480.
Extension of Spanish dominions in relation to, *ibid.*
Die of, upon the throw, 521.
Low Countries—*continued.*
Negotiations with, 526.
Lowe, Francis, Bacon's godson, bequest to, 542.
Lycurgus, 360.

M.

Macaulay, Lord, on the cause of Bacon's poverty after his fall, 403.
On certain articles in the charge against him, 513.
On his last letter, 550.
On his character, and the character of his offence, 554, 555.
Mainwaring (or Maynwaring), Sir Arthur, a suitor, 11. 256.
Mallet, author of a life of Bacon, letter printed by from an original, 30.
Mallet, Thomas, M.P. for Tregony, assists at the Conference, 191.
Mallory, William, M.P. for Rippon, on the mismanagement of the Conference, 194.
Mandeville, Lord. *See* Montague.
Mansell, a Spanish Commander, 483.
Mansell, Sir Robert, 320.
Mansfeldt, Count, unfortunate attempt of to reconquer the Palatinate, 507. 526.
Fate of the English forces sent to join him, *ibid.*
Manwood, Thomas, a witness in Bacon's case, 261.
Martin, Lady, a suitor in Chancery, recommended by Buckingham for a full and fair hearing and speedy despatch, 159.
Martin, Thomas, author of the "Character of Lord Bacon," etc., 551.
Mary, Queen, 479.
Mascardus de interpretatione Statutorum, 333.
Matthew, Toby, his conjectures as to the meaning of the Spanish preparations, 20.
His letter about Galileo, 36.
His correspondence with Bacon at the beginning of his troubles, 200—202. 210, 211.
His employment in the case of Holman and Yong, 254.
His employment in the case of Sir R. Hansby, 256.
His Italian translation of the 'Essays' and the *De Sapientiâ Veterum*; and description of Bacon's character in the dedicatory letter to the grand Duke of Tuscany, 285, 286.
Matthew, Toby—*continued.*
His impatience for leave to return to England, 286.
His correspondence with Bacon, 286, 287. 325. 335. 339. 344, 345. 354. 425. 428, 429.
Employed to communicate with Gondomar, 336.
Treatment of the letters in his collection, 336, 337.
Reports project for erecting titulary Roman Catholic Bishops in England, 378, 379.
Joins the Prince and Buckingham at Madrid, 420. 423.
Bequest to, 542.
His opinion of Bacon's character, 576.
See 342. 356. 437.
Maxwell, Mr. James, one of Buckingham's friends that wished Bacon well, 516.
Matthias, Emperor of Germany, dies, 21.
Consequence of his death, 29.
Maule, Mr., interested, together with Christopher Villiers, in the patent of Recognisances for Alehouses, 148.
Maxwell, author of a book to prove that the kingdom of Bohemia was not elective; censured in the Star Chamber: his submission accepted, 110.
——— Mr. (probably James of the Bedchamber), message to, 299.
May, Sir Humphrey, Chancellor of the Duchy, moves that Sir Francis Michell be heard after judgment, 186.
Letters to, 514. 527. 548.
Relations of, with Bacon, 515. 526.
Bequests to, 540. 542.
One of the Executors of Bacon's last will, 544.
Meautys, John, 131.
Meautys, or Mewtys, Mr. Thomas, Bacon's secretary, bequest to, 229.
Introduced by Buckingham to the King, 292.
Employed in negotiations with

Meautys—*continued.*
Buckingham about York House, 323—326.
And about the warrant for leave to come within the verge, 342. 354, 355.
Suitor to Buckingham for some office, 390, 391.
Bequest to, 542.
Debt to, to be discharged by the Executors, 545.
Letters of administration granted to, 551.
His opinion of Bacon's character, 576.
Merchant Adventurers, 3000*l.* paid to the Lord Treasurer Suffolk by, to suffer their charter to pass, 57.
Merefeild, Rolphe, a witness in Bacon's case, 258.
Mathematics, in relation to Syllogism, 375.
Metaphysic, 375.
Michell, Sir Francis, a Justice of the Peace, accused to the House of Commons of illegal proceedings in executing the patent for Alehouses, 185.
Presents a Petition in justification; is adjudged in his absence to lose his Commission and be sent to the Tower; and is brought to the bar to hear his sentence; but not allowed to speak, 185, 186.
His offence (as against the House) expounded by Coke, 186, 187.
Tried by the House of Lords, and the Commons invited to demand judgment, 274.
Milan, Spain in competition with France for, 464. 479. 500.
Sharing of by the Venetians with the French, 472.
Middleton, Sir Thomas, a witness in Bacon's case, 259, 260.
Minos, 360.
Molines, 532.
Mondragon, 483.
Money, carelessness of Bacon concerning, 563.
Monopolies, commencement of attack upon by the House of Commons, 183.
See Patents.
Montperson (Monperson or Mompesson), Sir Giles, Bacon's conference with on revenue matters, 68, 69. 73.
His patent for Inns, 148. 198.
His patent for Gold and Silver Thread, 183. 198. 204.
Montperson—*continued.*
His petition and submission to the House of Commons, 186.
Brought to the bar and questioned as to the Referees, 187.
Dismissed with order to be in attendance, 188.
Escapes from custody, 191.
Monk, Sir Thomas, his cause, 253.
Montagu, Basil, editor of Bacon's works, letter printed by, 80.
Montagu, Sir Henry, Lord Chief Justice of the King's Bench, his sentence on the Earl and Countess of Suffolk, 59.
Advised with about preparations for a new Parliament, 114, 115. 148.
Made Lord Treasurer, 149.
To be reminded of three things that are to be gone in hand with presently, *ibid.*
A referee for the patent of Alehouses, 185.
A commissioner for the patent of Gold and Silver Thread, 203.
Acknowledges his error in offering at the Conference to justify his acts as a Referee, 198.
Reports the Conference in which the Commons accused Bacon and Dr. Feild of Bribery, 221—223.
His report to the Lords of Bacon's interview with the King, 238, 239.
One of the Commissioners to receive the great seal from Bacon, 262.
His vote on question of Bacon's punishment, 269.
Resigns the Treasurer's staff and is made President of the Council, and Viscount Mandeville, 304.
Appointed by the King to treat with Bacon's creditors, 394.
About to be allied to Buckingham, and spoken of as likely to be made Lord Chancellor, 399.
Montgomery, Philip, Earl of, 324, 325. 444. 446.
Moore, Raphe, a witness in Bacon's case, 260.
More, Sir Thomas, his reception of a present from a suitor in Chancery, 266.
Morton, Mr. Secretary, death of, 535.
Moses, 360.
Mountague, Lord, a suitor, 257.
Mountjoy, Lord, defeat of Spaniards in Ireland by, 480. 493, 494.
Murray, Thomas, Tutor to the Prince and Provost of Eton, 325.
Death of, 407, 408. 421.
Myn, Mr., 517.

N.

Nabuchadonozor's image of monarchy, 359.
Naples, Spain in competition with France and Rome for, 464. 479. 500.
Natural and Experimental History, hopes of Bacon to interest the King in collection of, 129, 130.
Its place in the *Instauration*, 373. 375, 376. 380, 381. 531, 532.
First instalments of, 395. 398.
Anecdote concerning composition of, 525.
Bacon's last work, 550, 551.
See 406.
Naunton, Sir Robert, Secretary of State, 33.
His sentence on the Earl and Countess of Suffolk, 59.
Candidate for the Provostship of Eton, 407.
See 121. 153. 446.
Navarre, Spain in competition with France for, 464. 500.
Navy, law for maintenance of, to be prepared for Parliament, 123.
Negotium Posterorum, 509.
Neville, John Lord, notes upon his case, 234.
Nevill, Mr., on the conduct of the Speaker and the case of the Referees, 195.
New Atlantis, question as to date of composition of, 537.
New-hall purchased by Buckingham, 389, 390, 391.
Newport, battle of, 461. 492.
New World, England's first lot or portion in, 175.
New Year's gifts to law officers, 561.
Nicolls, Justice, a referee for the patent of Inns, 185.
Norris, Sir John, 483. 485.
Nottingham, Earl of, his certificate concerning some error in a bill for Sheriffs, 55.
Lord Admiral in 1588, 487.
Engaged in the voyage of 1596, 491.
Novum Organum, publication of, 119, 120. 122. 129—131.
Copy sent to the Cambridge University Library, 135.
The King's remark on, 168.
Why published in an imperfect condition, 380.
A second part to be added, 512. 531. 533.
Noye, William, complains of the patent of Inns, as abused in the execution, 184.
Sent to search the records in the Tower for precedents as to the power of the House of Commons to punish delinquents against the State, 187. 189.

O.

Oath of the Judges, 217. 233, 234, 235.
Of the Lord Chancellor, the Lord Treasurer, the Privy Councillors, and the Barons of the Exchequer, 219.
Odonnel, at Kinsale, 494.
Ogle, Sir John, service of at the battle of Newport, 493.
Olivares, Conde d', 437, 438. 441. 448.
Oquenda, Michael de, 488.
Orange, Prince of, 485.
Transmits the direction of the army at Newport to Sir Francis Vere, 493.
Orations, register book of, 540.
Oratory, Fathers of the, 503.
Ore tenus,
See Dutch merchants.
Ormus, in dispute between Spain and Persia, 463, 464. 498. 504.
Ostend, 495.
Ottomans, 461. 475.
See *Turks*.
Oxford, Earl of, letter from Bacon to, desiring to be readmitted into the House of Lords, 454, 455.
Oxford University, letter to, with copy of the *De Augmentis Scientiarum*, 439.

P.

Packer, Mr., Buckingham's secretary, 320. 324. 442.
Padua, recovery and defence of, 472.
Paise, Stephen, Bacon's servant, legacy to, 542.
Witness to the publication of his last will, 545.
Palatinate, interest of King James in, 106.
Threatened by the Emperor, *ibid.*
Cause of, discussed between the King and Gondomar, 106, 107.
Sudden march of Spinola upon, 112.
Resolution of the King to take up arms in defence of, *ibid.*
Voluntary contribution for defence of, 118. 131, 132.
How affected by the defeat of Frederick at Prague, 153, 154.
Plans of action proposed for recovery, 162—164.
A "conquering army" resolved on, a council of war appointed, and an estimate made of the cost, 164, 165.
The King's determination declared to Parliament, 170.
Case of, and cost of army to recover, explained to the Commons, 179, 180. 506.
Restitution of, undertaken by Spain, 325.
Promises held out by the King, the council of state, and the ambassador, 369. 400, 401.
Not to be recovered except by the marriage, 430.
Restitution of, must be by treaty or arms, 450. 460.
Policy of the Government regarding, 456.
Petition of the Commons, 457.
Advice of the Council, 457, 458.
Hesitation of the new House of Commons, 466, 468.
Recovery of, a just ground of war, 461. 470–474.
In the talons of Spain, 479.
Change of feeling in the Commons regarding, 506, 507.
Mansfeldt's enterprise for the recovery of, and fate of the English forces sent to help, 526.
See 497, 498.
Palmer, Mr. Roger, letter to, 534.
Panama, land enterprise of, 495.
Papists, the party of, 442. 447. 449. 461. 480.
Papists—*continued.*
Date and origin of the severe laws against, in Elizabeth's time, 481.
Pardon, the ancient remuneration in Parliament, 148.
A more liberal one than usual recommended, *ibid.*
Special, granted to Bacon, with exception of sentence, 305—308. 349.
The same stayed at the seal, 308—312, 313, 314. 316; passed, 317.
Clause in Lord Somerset's, objected to by L. Chancellor Ellesmere, 311.
Bacon's suit for a full, 442. 519.
Rumour of a general, 443. 445.
Draft of warrant for a full, 519.
Never received by Bacon, 548.
Paris, suburbs of, 495.
Parliament, resolution to call a new, 113.
Preparations for, 114—116. 145—152. 155.
Proclamation for, proposed by Bacon, 124—128.
Altered by the King and sent forth, 140.
Precedents of Kings' eldest sons summoned to, 142—144.
Meeting of, prorogued, 166.
Opening of: the King's speech to the two Houses. 169—171.
For what ends usually summoned, 171, 172.
Bacon's advice to, 173. 177—179.
The perfection of monarchy, 177.
What matters to be handled in, and under what limitations, 177, 178.
Adjourned for Easter, 227.
Adjourned till November, 281, 282.
Dissolved, 331. 369.
Question of calling another, 442. 444, 445.
Another meets under changed conditions, 457.
King Charles's first, summoned immediately after the death of James I., 526.
Dissolved, 527.
Another meets after the coronation,—the same in which Buckingham was impeached, 549.
Reversal of decrees in Chancery by Act of, 557.

Parma, Prince of, 483. 485, 486. 488, 489.
Parmenides, 377.
Patents likely to be complained of by the Lower House, how to be dealt with, 146, 147, 148. 151, 152. 183.
Question referred to the Council, and carried against Bacon's judgment, 151. 183.
Policy of the majority respecting, *ibid.*
For manufacture of Gold and Silver Thread, 184. 191. 195, 196. 188. 202. 204. 227.
For forfeiture of the Recognisances of Alehouses, 185. 227.
For Inns and Hosteries, 184—186. 191. 196. 198. 202. 204. 227.
For concealments, 191. 195. 202.
Complained of to the Lords as grievances, 202.
Proceeding of the Lords with regard to, 203.
Given up by the King, 227.
Of the survey of coals, stopped at the seal, 513, 514.
For incorporation of the Apothecaries, 514, 515.
Patricius, 377.
Peacock, a school master, committed for pretending to have infatuated the King's judgment by sorcery, his examination, 76—80.
Richard, a monied man and suitor, 258. 260.
Peace, commission of the, revised, 324.
Pembroke, Earl of, Lord Chamberlain, recommended to the Prince by the King when he thought he was dying, 9.
His sentence on the Earl and Countess of Suffolk, 59.
A member of the Conference Committee when Bacon and Montagu spoke in their own defence; his motion thereupon, 198.
Appointed to begin and to report the next conference, 202.
His motion on Bacon's first letter of submission, 248, 249.
Against requiring him to answer in person, *ibid.*
One of the commissioners to receive the great seal from Bacon.
His part in the debate on Bacon's punishment, 268, 269.
Pembroke, Earl of—*continued.*
Bacon's message of acknowledgment to, 299.
Pension of 1200*l.* granted to Bacon, 13.
In arrear, 330. 381. 387. 396.
Petition for payment of, in advance, 511. 517. 521.
Of 2000*l.* or 3000*l.* to be obtained for him by Buckingham after his fall, 295. 297.
Percy, Mr. Henry, bequest to, 542.
A suit of, recommended to Sec. Conway, 549.
Perient, Sir Thomas, 253.
Perrot, Sir J., moves for public declaration of readiness to support a war for the Palatinate, 281.
Persia in hostility with Spain, 501.
See Ormus.
Peterson, Mr., Bacon's late chaplain, to preach his funeral sermon, 541.
Petition to the House of Lords, 321.
To the King, 387, 388. 395. 518.
Petty Writs, farm of, sequestered, 381. 387. 396.
Suit concerning, 324. 389.
Proposed alteration in patent, 397.
Petition for discharge of rent, 511. 517. 534.
Philips, Sir Robert, on the mismanagement of the Conference, 195.
One of a committee to set down the judgment against Edward Lloyde, 273.
Supports motion for public declaration of readiness to support a war for the recovery of the Palatinate, 281.
Opposes motion for more than 2 subsidies; knows of no war, nor of any enemy, 507.
Accepts the failure to reconquer the Palatinate, 509.
Not chairman of committee, alluded to in p. 515.
Philip, King of Spain, his policy with regard to the Palatinate, 400, 401.
His secret communication to the Emperor, 401.
His views as to the marriage, do.
Engagements to be required of him, 457, 458.
Postpones the match indefinitely, 458, 459.
His two enemies, 501.
The latter, King of Macedon, 475.

Philipps, Bacon's godson, bequest to, 543.
Phillips, John, defendant in a Chancery suit, 80.
Philosophia Secunda, 530. 532.
Phœbidas, Thebes invested by, 472.
Physicians and apothecaries, patent concerning, 514.
Picardy, 479.
Piedmont, 479.
Pinckney, a money lender, 255.
Pisistratus, tyranny of, 359.
Pitt, M., anecdote of Bacon in a book published by, 563, 564.
Pitt, William, debts of, 564, 565.
Plague in London, 530. 533, 534. 536.
Plato, opinion put into the mouth of Clinias by, concerning war between nations, 476.
A just fear allowed by, for a cause of invasive war, 478.
Pliny, the elder, natural history of, 376.
Death of, 550.
The younger, preserved both his orations and epistles, 546, 547.
Plomer, Bacon's servant, legacy to, 543.
Pole, Michael de la, notes on his case, 232.
Pope, Alexander, on Bacon, 553, 554.
Pope Sixtus V. and Urban VIII., 496.
Popish bishopricks, design for erecting in England, 378, 379.
Porten, Thomas, a poor Yorkshireman, victim of conjuration, 30.
Porter, Mr. Endimion, 437.
Porter, Buckingham's servant, letter to Bacon on behalf of, 109.
Portugal, Spanish title to, disputed by the right heirs, 464. 479.
Powerscourt, Lord, one of the commanders in Ireland, pays divers sums of money to the Lord Treasurer Suffolk for favours done, 57.
Powre, a suitor, 256.
Prague, capture of, by the Bavarians, how it affected the question of the recovery of the Palatinate, 153, 154.
Prayer or Psalm, 229—231.
Prerogative, royal, its relation to the Common Law, 118.
Prerogative Court of Canterbury. *See* Wills.
Priests and Recusants, petition for better execution of laws against, 181, 182.
Pretorian Edicts in albo, 360.
Courts, 473.
Proclamations and Commissions likely to be complained of by the Lower House, how to be dealt with, 147.
Concerning the manufacture of Gold and Silver Thread, 204. 206.
Imprisonment for disobeying, 205—208.
Prodromus Philosophiæ Secundæ, 532.
Protestant Union and Catholic League, treaty between, 108.
Prusias, King of Bithynia, 475.
Psalms, translation of certain, into English verse, 523.
By whom printed, *ibid.*
Puckering, Sir Thomas, a magistrate, 30.
Puritans, 442. 448.
Pursuivants, offences of, 39.
Pye, Sir Robert, Lord Treasurer's Remembrancer of the Exchequer, letter to, 528.
Pym, John, M.P. for Tavistock, assists at the Conference, 191.
Pythagoras, 377.

Q.

Queen Anne, death of, 9. 14. 32.
Queen Henrietta, arrival of, 526.

R.

Radford, Peter, wife of, legacy to, 543.
Ralegh, Sir Walter, examinations relating to his case possibly lost in the fire at Whitehall, 4.
See also, 18.
"Sir Walter Ralegh's Ghost," a seditious book, the author of which the Government were in search of, 153.
Ralegh, Sir Walter—*continued.*
His saying about the Spanish Armada, 462. 489.
Ramsay, Mr. David, concerned in the business of Wills, 111.
Raveline, the, 495.
Rawley, Dr., Bacon's chaplain, avoids mention of Bacon's pecuniary difficulties after his fall, 524.

Rawley, Dr.—*continued.*
Passage on the subject quoted as his, 524.
Anecdote relating to the composition of the *Sylva Sylvarum*, 525.
His list of Bacon's writings, 537.
Legacy to, 543.
Witness to the publication of Bacon's last will, 545.
Recommendation of, to Bishop Williams, 546.
Edited most of Bacon's MSS., 552.
Memorandum in his commonplace-book of Bacon's remark on the sentence against himself, 559, 560.
On the sources of Bacon's knowledge, 565.
On his method of study, 566.
On his care of his health, *ibid.*
His opinion of him, 576.
Redborn, bequest to the poor of, 540.
Referees, in cases of petitions for Patents, 184.
For patents of Inns and Alehouses, 185. 187.
Question of calling them to account in the House of Commons for advice given to the King, 188, 189. 199, 200.
Why not named at the Conference with the Lords, 193—196.
Omission supplied at a second Conference, 197.
Offer of Bacon and Montagu to justify their certificates at the proper time, voted a transgression of the rules of the Upper House, 198.
Referees—*continued.*
Pursuit of, silently dropped, 203.
Religion, petition of, 181, 182. 349. 382.
Rémusat, M. Charles de, on the "greatness" of Bacon, 574, 575.
'Revenge,' the, her fight with the Spanish fleet, 491.
Reynell, Sir George, his great diamond, 228, 258.
Rich, Sir Nathaniel, one of a committee to set down the judgment against Edward Lloyde, 273.
Sir Robert, one of Bacon's creditors to whom letters of administration were granted, 551.
Richardson, Serjeant, chosen Speaker of the Lower House, 173.
Makes his oration, 174.
Ridgway, Lord, pays 300*l.* to the Lord Treasurer for favour in passing his accounts, 57.
Rimenant, battle near, on Lammas Day, 483.
Rolf, Mr., Bacon's neighbour at St. Albans, 258.
Roper, Sir John, afterwards Lord Teynham, arrangements for reversion of his office, 101.
Ross, Lord, married to Sir Thomas Lake's daughter, threatened with scandalous accusations, goes to Italy, 3.
See Lake, Exeter.
—— Lady, makes a full confession, 34.
Rowe, Sir Thomas, on the mismanagement of the Conference, 195.
Ruswell, Sir Henry, a suitor, 259.

S.

Sackville, Sir Edward, afterwards Earl of Dorset, his motion in the first debate on Monopolies, 184.
Bacon's bequest to, 228. 542.
Named as a friend to communicate with Buckingham on Bacon's behalf, 320.
Meautys's report of his proceedings and advice, 324—326. 339. 342. 355.
His own report, 342—344.
Heads for a speech to be made by him, 460—465.
His travels, 465.
Letter to, 529.
See 330. 356.
Saggi Morali, Italian name of Bacon's "Essays," 531.
Saint Alban, Lady, bequest to, 228.
Her conference with Buckingham about York House, 323—325, 326, 327.
Can make a shift to like the house at Chiswick, 355.
Incurs Bacon's displeasure for cause not known, 538, 539.
Devises and Legacies to, 541.
Revocation of same, 545.
St. Alban's, bequest to the poor of, 540.
St. Andrew's in Holborn, bequest to the poor of, 540.
St. Martin's in the Fields, bequest to the poor of, 540.
St. Michael's Church, Bacon to be buried in, 539.

St. Michael's Church—*continued.*
Bequest to the poor of, 540.
Salisbury, Robert, Earl of, state of the Exchequer at his death, 84.
Impositions set on by, 86.
Divulging of the King's wants begun by, 87.
Sands, Sir Samuel, one of a committee to set down the judgment against Edward Lloyde, 273.
Sandys, Sir Edwin, moves for search of precedents as to the power of judicature of the House of Commons, 187.
His part at the conference with the Lords, 191. 193.
Santa Cruz, Marquis de, best Commander of Spain by Sea, 486.
Saunders, 484.
Savile, Sir Henry, on the work of the first session in 1621, 282.
Lectures founded by, 544.
Savoy, apprehension of the designs of Spain, 497. 501.
Saye and Seal, William Fiennes, Baron, on one of the Committees of four for examination of evidence against Bacon, 245.
His motion on Bacon's first letter of submission, 248.
In favour of requiring him to answer the charges in person, 249.
In favour of degradation, 268, 269.
One of the Committee to take examinations in the case of Edward Lloyde, 277.
Sayers, William, legacy to, 543.
Scarcity of money, along with plenty of all other commodities, 160.
Causes of, recommended for consideration by the King to the Commons, and debated, 184.
Scott, Richard, a suitor, 255, 256.
Scottishmen at the Battle of Newport, 492.
Selden, John, consulted by Bacon, 330—334.
To be consulted by Sir John Constable as to the publication or suppression of Bacon's MSS. 540.
Seminaries, 481.
Seneca, restored after banishment, 297.
Behaviour in exile, 372.
Sermones fideles, sive Interiora Rerum, Latin title for Bacon's "Essays," 531.
Sexvir, 361.
Seymour, Sir Francis, moves to call the Referees to their answer, and
Seymour, Sir Francis—*continued.*
punish them if found guilty, 188.
Sheffield, Lord, 39.
On one of the Committees of four for examination of evidence against Bacon, 245.
His part in the debate on Bacon's punishment, 268.
One of Committee to take examinations, in the case of Edward Lloyde, 277.
Moves for warrant to commit Bacon to the Tower, 279.
Sherburn, Edward, one of Bacon's secretaries, 83. 255.
A witness in Bacon's case, 256, 259.
Sheriff, Gabriel, a witness in Bacon's case, 260.
Sheriffs, carelessness of the Judges in presenting fit men for, 55, 56.
Shute, Mr., of Lombard Street, bequest to for funeral sermon, 540.
Shute, Mr., his employment in the cause of Fisher and Wrenham: 254.
Of Richard Scott, 255, 256.
Sidley, of Kent, founded a lecture in natural philosophy at Oxford, 547.
Siete Partidas, 361.
Silver, the raising of, by ordinance, 74.
Sinclair, Lord, Ambassador from the King of Denmark, 32.
Smith, old goodwife, legacy to, 543.
Smith, Richard, legacy to, 543.
Smith, Bacon's Bailiff, and his wife, legacies to, 543.
Smith, Sir Thomas, 260.
Smithwick, a suitor, 259.
Solon's laws, 359, 360.
Somerset, Earl of, joint-patentee of the reversion of Sir J. Roper's office, 101.
Released from the Tower, 326.
"Hath his pardon and they say shall sit in Parliament," 549.
Southampton, Henry Wriothsley, Earl of, 203.
Moves for committees to inquire into the execution of the patents complained of, 203.
Moves answer to Bacon's first letter to the Lords, 216.
Chairman of one of the Committees of four for examination of evidence against Bacon, 245.
Motion on his first letter of submission, 248.

Southampton, Henry W.—*continued.*
Against requiring him to answer in person, 249.
Seconds the Prince's motion for a message, 250.
His motions in the debate on Bacon's punishment, 267. 269.
One of the Committee to take examinations in the case of Edward Lloyde, 277.
Complains that Bacon has not been sent to the Tower, 279.
Letter to, from Bacon, desiring him to favour his suit for readmission to the House of Lords, 453, 454.
Spain, short view of Great Britain and, 22—28.
Suggests to James the office of mediator between the parties in the Bohemian war, 28, 29.
Alarmed by his consent to the levy of Volunteers and the borrowing of money for the defence of Palatinate, 106.
Keeps him in belief that the Palatinate will be respected, until ready to attack it, 112.
"*Vox populi*, or news from," 153.
Peace with, would be broken by a diverting army, 163.
Policy of opposition to, approved by Bacon, but rendered impracticable by the King's proceedings, 368.
Alliance with, how to be turned to best account, 368—370.
Co-operation of, necessary for recovery of Palatinate, 369. 400. 430.
Visit of the Prince and Buckingto, 401.
Buckingham's quarrel with, 440, 441.
"The King will put a hook in the nostrils of," 445.
The uniting of the States of Europe against the growing ambition of, 446.
Views of the House of Commons regarding, 456—460.
Notes for speech concerning war with, 460—465.
Treaties with, declared at an end, 465, 466.
Considerations touching a war with, 469—505. 535.
Policy of, in invading England, 480.
Policy of the Kings of, 482.
Strength of in 1588, compared with 1624, 496, 497.
Spain—*continued.*
Dominions of, scattered, 463. 498.
Population scanty, 499.
Peasants of, no soldiers, 502.
Treasure of, at the mercy of those who are masters by sea, 464. 500.
Greatness of, built on four pillars, 502.
Weak at the spring head, *ibid.*
Devotion of, to the Catholic Church, a matter of ambition not religion, 503.
Support given by, to the Protestants of France, *ibid.*
Issues of the war with, of little interest to the new House of Commons, 509,
Unsuccessful expedition against, 537.
Buckingham's attempt to pull down the monarchy of, 538.
Spaniards' valour, 499.
Spanish match, progress of negotiations concerning, 16—19.
Treaty for, reopened by Gondomar with offer to accept the conditions which had been rejected before, 107.
Likely to be broken off, 113.
Effect of the dissolution of Parliament upon, 369. 400.
Expected to be concluded shortly: the Council made acquainted with the Articles, 430.
Condition of, on the Prince's return from Spain, 440.
Advice to Buckingham concerning, 449, 450.
Finally broken off, 458, 459.
Declared at an end, 466.
Sparta, defence of, against the Thebans, 472.
Speech of matters of state, proclamation against excess of, 152. 154, 155, 156, 157.
Spencer, Robert, Lord, on one of the Committees of four for examination of evidence against Bacon, 245.
His part in the debate on Bacon's punishment, 268, 269.
Spinola, sudden descent of upon the Palatinate, 112.
Spright, William, a witness in Bacon's case, 260.
Star Chamber, proceedings in, 4.
The King advised by Bacon to come in person into, 70.
Uses of, 70, 71.
Commissions to be published in, 71, 72.

Star Chamber—*continued.*
Constitution of, and order of proceeding in, 91.
Value of as a political institution, according to Coke and Bacon, 92, 93.
Abolition of, how brought about, 94.
Clarendon's opinion of, 95.
Rules for, (drawn up by Bacon, but lost,) would have been in accordance with his aphorisms concerning Censorian Courts, 96—99.
Declaration in, recommended, 289.
States General, Bacon's letter to the, 38.
Steel, the business of, 109.
Stephens, Robert, his catalogue, missing papers entered in, 12. 35. 83. 111. 191. 292. 313. 321. 367. 382. 399. 425. 465. 524, 525, 526. 528. 534. 539. 546. Appendix No. 2.
Steward, Dr., Mr. Heath's opinion of his case, 5, 6, and Appendix, no. 1.
Stuart, Sir Robert, 483.
Stukely, 484.
Subscription of the Nobility and Council for defence of the Palatinate, 118. 132.
Subsidies and Fifteenths, amount of, 165.
Free gift of two (16 Feb. 1621-2), 179.
Passed, 197.
Vote of one, 331. 456.
Promise of three, 465.
Subsidies and Fifteenths—*continued.*
Need of seven, 466.
Grant of two, 467.
Offer of two, 507.
Suckling, Sir John, Comptroller of the Household, 388.
Appointed by the King to treat with Bacon's creditors, 394.
Suffolk, Countess of, involved in the charges against her husband: ill of the small-pox, 8. *See* 561.
Suffolk, Earl of, Lord Treasurer, accused of exaction, 1.
Proceedings against, 2.
His answer in Star Chamber, 8.
His fine, 74.
A Referee for the patent of Inns, 185.
A Commissioner for the patent of Gold and Silver Thread, 204.
Against accepting Bacon's first letter of submission, 248.
In favour of requiring him to answer the charges in person, 249, 250.
Comes to Parliament though not to Council, 549.
The point of the charge against, 561.
Suitors in Chancery, Buckingham's letters to Bacon in favour of, 5.
Sussex, Earl of, sells New Hall, and resigns his Lieutenancy of Essex to Buckingham, 390.
Sylla, 360, 361.
Sylva Sylvarum, 537.
Sweden, negotiations with, 526.
Syllogism, use of in philosophy, 375.

T.

Tacitus, 361.
Tanfield, Sir Lawrence, Lord Chief Baron of the Exchequer, letter to, 12.
A referee for the patent of Inns, 185.
Tasso, the King's remark on, 351.
Taxation, Parliamentary, largest sum levied by in any single year, 164.
Amount of, in Elizabeth's time as compared with James's, 170.
Thebes, city of, invested by Phœbidas, 472.
Thelwall, Bevis, a witness in Bacon's case, 252. 257.
Sir Euball, one of the executors of Bacon's last will, 544.
Thorpe, Sir William, notes on his case, 232, 233, 234, 235.
Thucydides, on the cause of the Peloponnesian war, 474.
Tite, the late Sir William, original letter belonging to, 433.
Tobacco, proclamation to be sent out to restrain plantation of, 64.
Business well settled, 100.
Torture, use of in examinations, 78, 79.
Towerson, the merchant, answers for the readiness of London to contribute 20 subsidies in a case of war for the Palatinate, 282.
Trade, proposed treatise on reglement of, 352.
Open into the East and West Indies, 443. 446.
Trajan, 359.
Traske, a sectary, his retractation, 67.
Treasury, in commission, 1.
Designs concerning, 54.

Treasury—*continued.*
Letter of advice concerning, 83—90. 116, 117.
The King's last commands to the commissioners of, 149.
Chief Justice Montagu made Lord Treasurer, 149.
Treavor, Sir John, a suitor, 254.
Trevigi, loss and re-adeption of, 472.
Trinity College, Cambridge, letter to, with copy of the *De Augmentis Scientiarum*, 439.
Troughton, Bacon's ancient servant, legacy to, 543.
Turks, their assumed right to make war for propagation of their faith a sufficient ground for invasive war against them, 476.
Turner, a dealer in the Allum Works, pays 1900*l.* to the Lord Treasurer Suffolk for favour, 57.
Telesius, 377.
Temporis partus maximus, 532.
Tenison, Archbishop, papers sent to, 367. 382.
Alterations made in the text by, 524.
Anecdote told by, on Rawley's authority, 525.
Taylor, Sir Henry, his character of Isaac Comnenus, 576, 577.
Twelve tables, 360.
Twickenham, bequest to the poor of, 540.
Tyrone, at Kinsale, 494.
Tyrone's son, said to be gone for Spain, 20.

U.

Union of England and Scotland, 175. 496.
Commission of, 349. 382.
Urbin, Duke of, 472.
Loss and recovery of, 472.
Usury, proposition touching, 410. 413—419.
Draught of Act against, 419, 420.

V.

Vagabonds and beggars, commission for, 73. 81.
Valdez, Pedro de, 488.
Valencia, in dispute between Spain and the Moors, 464. 501.
Valtoline, the, put in deposit, 463. 498.
Dispute about with France, 500.
Possession of by Spain alarming to Venice, 501.
See also 479. 496, 497.
Van der Dussen, one of the commissioners from the States General, 38.
Van Lore, Peter, Bacon's debt to, 69. 255.
Cause between Kenneday and, 255
A witness in Bacon's case, *ibid.*
Vaughan, Sir John, afterwards Lord, receives Bacon on his liberation from the Tower at his house at Fulham, 283. 288. 301.
Going to the Prince in Spain, 405.
Venice, Treasury of St. Mark's at, 463.
League against growing power of, 477.
Her fear of the designs of Spain, 497. 501.
Vercelles, relinquished by Spain, 463. 497, 498.
Vere, Sir Francis, his commentary on the battle of Newport, 492, 493.
Vere,—*continued.*
Sir Horace, 493.
Verge of the Court, Bacon's exclusion from, 270. 291.
Petition for leave to come within, 292. 300, 301. 305. 321. 322. 329. 335. 341, 342, 343. 346, 347. 350.
Warrant for the same, 354, 355, 356, 357. 453.
Vergil, Polydore, 303.
Verulam House, 165, 166. 296. 551, 552.
Villiers, Christopher, 112.
Interested, together with Mr. Maude, in the patent of recognisances for alehouses, 148.
Villiers, Sir Edward, calls on Yelverton to imprison certain tradesmen refusing to enter into a bond not to make gold and silver thread, 205.
Vintners of London, business between them and the French merchants, 260.
Virgil, fault imputed to him, 547.
Virginia and the Summer Islands, plantation of, 175.
Vox Populi, a book against Spain, the author of which the Government were in pursuit of, 153.

W.

Wagstaffe, Lady St. Alban's late waiting gentlewoman, legacy to, 543.

Wallingford, William Knollys, Viscount, afterwards Earl of Banbury, in favour of requiring Bacon to answer the charges of corruption in person, 249.

Walloons, good soldiers, 499. 503.

Walter, Sir John, recommends a course for dealing with patents without meddling with the Referees, 189.

War, the Holy, treatise on, proposed, 353.
- Dialogue of, 367—371. 374.
- Distribution of the parts, 370.
- With Spain, notes for speech on, 460—465.
- Considerations touching, 469—505. 533. 536.
- For religion, defensive and offensive, 481, 482.
- Of the Commons against the Crown, 409.

Wards, proposed treatise on disposal of, 351.

Weldon, Sir Anthony, 227.

Welles, Bacon's ancient servant, legacy to, 543.

Wentworth, Sir John, 11.

Wentworth, Thomas, Baron; afterwards Earl of Cleveland; on one of the committees of four for examination of evidence against Bacon, 245.
- His part in the debate on Bacon's punishment, 268.
- One of the committee to take examinations in the case of Edward Lloyde, 277.

Wentworth, Sir Thomas, on the mismanagement of the Conference, 195.

Weston, Sir Richard, Chancellor of Exchequer, letter from Bacon to, 517.
- Warrants to be referred to, 521.
- Speedy issuing of certain money to be recommended to, 522.

Wharton, Lady, a suitor, and witness in Bacon's case, 253.
- Act to avoid a decree procured by, 558.
- *See* Willoughby.

White, Mr. Richard, an acquaintance of Galileo, 36.

Whitehall, fire at, 4.

Whitelocke, James, relations of with Bacon, 100—102.

Whitelocke, James—*continued*.
- Made Chief Justice of Chester, 1
- Bacon's speech to him on duties of the place, 102—104

Wich, a suitor, 259.

Will, made by Bacon at the time his impeachment, 228.
- Last, 539—545.

Williams, Dean, (afterwards Bishop Lincoln, and Lord Keepe advice of, 291.
- His advice to Buckingham, 306.
- His objections to the assignati of Bacon's fine, and to the pr posed pardon, 306, 307.
- Stays the pardon at the seal, 308
- His reasons, 310—312.
- His conference with Gondoma about the titulary Roma bishop, 379.
- His advice concerning the farm of the Petty Writs, 389, 390.
- Appointed by the King to treat with Bacon's creditors, 394.
- Letters to Bacon from, 404.
- Begins to withdraw from his dependence on Buckingham, 440.
- Receives from Bacon a patent which had been stopped at the seal, 514.
- Resigns the seal, 535.
- Bacon's register-book of speeches and letters bequeathed to, 540.
- To be advised with as to the lectures in the Universities, 544. 546, 547.
- On the value of orations and epistles, 546, 547.
- Appeal against a decree made by, 587.
- *See* 386. 399. 535.

Williams, a patentee, 30.

Willoughby, proceeding in Parliament against decree in case of Wharton and, 558.

Wills and Inventories, patent for engrossing, 121, 122. 140, 141. 150. 154.

Wilson, the historian, on the later relations between Bacon and his wife, 539.

Winch, Justice, a referee for the patent of Inns, 187.

Winwood, Secretary, a referee for the patent of Inns, 185.

Woder, Bacon's ancient servant, legacy to, 543.

Wolsey, Cardinal, 299.

Wood, Bacon's servant, legacy to, 543.

Woodward, Tristram, a witness in Bacon's case, 253.

Wotton, Sir Henry, letter to, with three copies of the *Novum Organum*, 131.
Made Provost of Eton on resigning the reversion of the Rolls, 451.
Wrenham, cause of Fisher and, 254.
Writ for Parliament, 453, 454. 548.
Wroth, Mr., a suitor, 256.

Y.

Yelverton, Sir Henry, Attorney General, 12.
His carriage in the business of the Dutch merchants, 48.
A better pleader than director, 67.
Grows pert with Bacon, 81.
Suspended from his office for inserting unwarranted clauses in a new charter for the City of London, 98, 99.
Called to answer in the Star Chamber, 133.
Bacon's note on the case of, 133, 134.
Makes a submission, and obtains an adjournment, 134, 135.
Trial and sentence, 136—140.
A referee for the patent of Alehouses, 185.
Yelverton, Sir Henry—*continued*.
A commissioner for the patent of Gold and Silver Thread, 205.
Commits recusants to the Fleet, *ibid*.
See also 50, 51. 194, 196.
Yoch, Sieur de, one of the commissioners from the States General, 38.
York House, Bacon's reluctance to part with, 304.
Refusal of, to Buckingham, 305. 312, 313. 316. 342, 343.
Also to the Duke of Lenox, 327.
Purchase of by Cranfield, 347.
Yong, Holman and, 254.
Yonge, Sir Richard, a witness in Bacon's case, 253.
Young, Mr. John, Bacon's servant, bequest to, 229.

THE END.

PRINTED BY TAYLOR AND CO.,
LITTLE QUEEN STREET, LINCOLN'S INN FIELDS.

3 2044 055 044 093